

(2006) 05 DEL CK 0117

In the Delhi High Court

Case No : L.A. Application No. 689 of 2005

Sh. Jaswant Singh

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 11-05-2006

Acts Referred:

Land Acquisition Act, 1894 — Section 54

Citation : (2006) 05 DEL CK 0117

Hon'ble Judges : Swatanter Kumar, J;S.L. Bhayana, J

Bench : Division Bench

Advocate : Rajeev Verma, for the Appellant; Sanjay Poddar, for the Respondent

Final Decision : Disposed Off

Judgement

Swatanter Kumar, J.—This is an appeal u/s 54 of the Land Acquisition Act against the judgment and decree of the Reference Court dated 4.5.2005 passed in LAC No. 61/2003. Vide the impugned order and judgment, the Reference Court held that the appellant was entitled to receive compensation @ 18,500/- per bigha to the extent of full share in respect of the land in question and in addition thereto he was also entitled to the benefits of solarium, interest in terms of the judgment of this Court in the case of *Sunder v. Union of India* 93 (2001) DLT 567.

2. The land of the appellant measuring about 10 bighas 1 biswa in Khasra Nos. 12/17 (4-16), 25(4-05), 12/24/2 (1-00) was acquired vide notification dated 13.2.1981 whereupon an award was made by the Collector being Award No. 245/86-87 awarding a compensation @ Rs. 11,500/- per bigha for the entire acquired land. This award was challenged before the Reference Court which enhanced the compensation as afore-noticed. The learned Counsel appearing for the appellant contended that the compensation awarded by the Reference Court was inadequate and on the basis of the evidence produced by them, the claimants were entitled to get the compensation (enhancement @ Rs. 3800/-) over and above the amount given by the Reference Court @ Rs.67,000/- per bigha. On the other hand, the learned Counsel appearing for the respondent

contended that the compensation awarded by the Reference Court is unreasonably higher and the award of the Collector is justified in the facts and circumstances of the present case. Both these contentions need not be examined by us in any greater length primarily for the reason that it is not disputed before us that in the case of Raj Devi and Ors. v. Union of India LA Appl. No. 291-93/2005 and other connected matters, decided on 04.08.2005, a Division Bench of this Court while dealing with the same notification for acquisition of the land in the revenue estate of the same village by a detailed order remanded the cases for fresh adjudication in accordance with law. The Court noticed that certain documents which were tendered in evidence were not considered by the Court and certain documents had been proved and exhibited in accordance with law. Based on this and with a direction to the court to determine the market value afresh after considering the documents X1, X2 and X3, the matter was remanded with leave to the parties to lead evidence in rebuttal.

3. The present case was decided on the basis of the same judgment by the Reference Court, as such this Court has no option except to set aside the order and remand the case to the Reference Court for its adjudication and decision in accordance with law. Consequently, this appeal is accepted partially, the order of the Reference Court dated 4.5.2005 is set aside and the case is remanded to the Reference Court for fresh adjudication in accordance with law. It is made clear that the directions contained in the order of the Division Bench in Raj Devi's case (supra) would also apply to the present case. The appeal is accordingly disposed of, while leaving the parties to bear their own costs.