
(2001) 01 DEL CK 0046

In the Delhi High Court

Case No : LPA 214/80

Shri Mauji

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 18-01-2001

Acts Referred:

Citation : (2001) 3 AD 176 : (2001) 90 DLT 184

Hon'ble Judges : M.S.A. Siddiqui, J;B.A. Khan, J

Bench : Division Bench

Advocate : Mr. V.P. Singh and Mr. N.S. Vashisht, for the Appellant;

Judgement

Khan, (J)

1. Appellant's land in Asalatpur Khadar village was acquired pursuant to Section 4 Notification dated 20.6.1966. Collector categorised the land of this village in two blocks and awarded Rs.3,000/- per bigha for block-A and Rs.2500/- p.b for block-B. Reference court enhanced it to Rs.1100/- p.b. in block-A and Rs.1600/- p.b in block-B. Appellant filed RFA 89/1976 for further enhancement and first Appellate court relying upon the reasoning given in RFA 59/71 (Chunni Lal and another Vs. UOI) awarded him Rs.7000/- p.b. He has filed this LPA and demands Rs.10,000/- p.b.

2. Learned Counsel for appellant Mr. Singh pointed out that a DB of this court had already enhanced the compensation to Rs.8000/- p.b. by judgment dated 20.6.1993 in RFA 224/1968 while dealing with acquisition matters u/s 4 Notification dated 20.10.1961 and as such appellant also deserved to be awarded more. He submitted that this court had consistently granted 12% p.a. escalation in a number of judgments including Prakash Chand Kashyap Vs. UOI AIR 1968 Delhi 316 , Rameshwar Solanki Vs. Union of India, and Tindey and Others Vs. Union of India (UOI) and Another, which had also received a statutory recognition by now vide Section 23(1-A) of Land Acquisition Act and Therefore there should be no difficulty in awarding Rs.10,000/- p.b. to appellant.

3. There is no dispute on factual position. It is a matter of record that this court had awarded Rs.8000/- per bigha for land acquired in Asalatpur village pursuant to Section 4 Notification dated 20.10.1961. Appellant's land in this village was acquired u/s 4 Notification dated 20.6.1966. Therefore going by the escalation in land prices during the relevant period from 1961-66, he was liable to be awarded more. If one were to go by the 12% p.a. escalation adopted by this court in judgments cited by his counsel, the market value of the acquired land would come to Rs.13,500/- p.b. But since it was not possible to lay down any cut and dry formula at this stage to provide for an yearly escalation rate and as appellant had only asked for Rs.10,000/- p.b. it appears to us just and fair to award him that much of compensation. This appeal is accordingly allowed. Appellant is granted Rs.10,000/- per bigha with 15% solarium and 6% interest from date of dispossession to that of payment. Respondent is directed to satisfy the remaining award within 6 months from receipt of this order.