
(2004) 04 DEL CK 0072

In the Delhi High Court

Case No : Regular First Appeal No. 54 of 1986

Shri Mir Singh and Another

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 28-04-2004

Acts Referred:

Citation : (2004) 04 DEL CK 0072

Hon'ble Judges : Ramesh Chand Jain, J; Dalveer Bhandari, J

Bench : Division Bench

Advocate : Om Prakash, for the Appellant; S.S. Dalal, for the Respondent

Judgement

R.C. Jain, J.—The land of the appellants situated in the revenue estate of village Jharoda Kalan, was acquired by the Government for public purpose vide a notification dated 15.7.1970 issued u/s 4 of Land Acquisition Act 1984 (hereinafter referred to as the "Act"). The land Acquisition Collector vide Award No. 2/72-73 awarded compensation @ Rs. 850/- and 720/- per bigha for Block "A" and Block "B" land respectively. On a reference being made u/s 18 of the Act before the learned Additional District Judge, the Reference Court enhanced the compensation to Rs. 1875 and Rs. 1250 per bigha for "A" and "B" block lands of the appellant. Still not satisfied, the appellant has approached this Court in this appeal.

2. Mr. Om Prakash, learned counsel representing the appellant has assailed the impugned order of the learned Additional District Judge dated 27.7.1985 on the short ground that the learned Trial Court has erred in granting escalation @ 6% p.a. over the value of land of the same village which was acquired vide a notification dated 3.5.1966 and in respect of which compensation @ Rs. 1,500/- and Rs.1,000/- per bigha for Block "A" and "B" lands was granted by another Reference Court vide a judgment Ex. R-1 in LAC No. 255/69. According to him, the appellant ought to have been granted escalation @ 12% or minimum 10% for these years. In this connection he has sought the support from a decision of Division Bench of this Court in RFA No. 585/87 in the case of the Ram

Vs. Union of India decided on 23.3.2001 where this Court has held that it would be reasonable to grant progressive escalation @ 6% p.a. from the period 1959 to 1965 and @ 10% p.a. from 1965 to 1973 and thereafter @ 12% p.a. Mr. S. S. Dalal, learned counsel representing the respondent has fairly conceded that on the face of the facts and circumstances of this case an escalation @ 10%p.a. for the period of four years i.e. 1966 to 1970 would be justified. We accordingly order that the appellant would be entitled to compensation for his land @ 2110/- per bigha. The order of the learned Additional district Judge shall stand modified to the above extent, all other stipulations therein remaining unchanged. No order as to costs.