
(2005) 01 DEL CK 0084

In the Delhi High Court

Case No : Regular First Appeal 421 of 1999

Shri Ram Pat and Another

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 07-01-2005

Acts Referred:

Citation : (2005) 01 DEL CK 0084

Hon'ble Judges : B.C. Patel, C.J.; Sanjay Kishan Kaul, J

Bench : Division Bench

Advocate : Punjeet Verma, for the Appellant; Sachin Nanwani, for the Respondent

Final Decision : Allowed

Judgement

B.C. Patel, C.J.

CM 45/05

1. At the request of counsel for the appellant matter is taken up. Application is allowed.

RFA 421/99

2. The present appeal is filed u/s 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act). Undisputed facts are that vide notification dated 27.1. 1984 issued u/s 4 of the Act, the lands were sought to be acquired. Notification/Declaration u/s 6 was issued for acquiring 1156 bigha of land. Award was made by the Land Acquisition Collector being award No. 17 of 1986-87 for the land situated at village Sahupur. The claimants being to in agreement with the award made by the Land Acquisition Collector filed an application u/s 18 of the Act. The reference court thereafter on 17.3.1999 held that the claimant shall be entitled to get enhanced compensation at the rate of Rs. 6,400/- in respect of land detailed in the judgment. Being aggrieved by the aforesaid decision of the reference court the appellant are before the court, inter alia, requesting that the

amount of compensation is not just and fair and reasonable compensation ought to have been awarded. This matter is not required to have a detailed discussion since the matter is already covered by a decision of Division Bench of this court in RFA No. 397/99 decided on 30th May, 2002 wherein the subject matter was under the ame notification as under the present appeal. Learned Judges of this court examined the matter in detail and allowed the appeal and held that the claimant is entitled to compensation at the rate of Rs. 47,224/- per bigha. Over and above the same claimants were held entitled to get the solarium, interest and additional amount as per the award of the reference court. It was also directed that interest will be paid on solarium and additional amount. It appears that the Union of India preferred an appeal challenging the decision of this court in RFA 280/1992 arising out of the same award. The Apex Court dismissed the appeal which is clear from paragraph 5 of the application. The appeal stands allowed in terms of the judgment of this court in RFA 397/99.

3. With no order as to cost.