
(2005) 03 DEL CK 0133

In the Delhi High Court

Case No : Regular First Appeal 517 of 1988

Shri Roop Chand and Others

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 24-03-2005

Acts Referred:

Citation : (2005) 03 DEL CK 0133

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

Bench : Division Bench

Advocate : A.S. Mathur, for the Appellant; Sanjay Poddar, for the Respondent

Final Decision : Allowed

Judgement

B.C. Patel, C.J.—The present appeal is preferred u/s 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) against the reference court award dated 24-12-1987 awarding the compensation @ Rs. 8125/- per bigha vide LAC No. 281/84.

2. For planned development of Delhi, a notification u/s 4 was issued on 23-1-1965 which was followed by a declaration u/s 6 of the Act on 7.12.1966. After following the procedure laid down in the Act the Land Acquisition Collector made an award vide award no. 17/84-85 dated 16-7-1984 offering compensation to the claimants @ Rs. 6550/- for Block A land and Rs. 3000/- for Block B land. Being aggrieved by the determination of the price, application u/s 18 of the Act was made and ultimately reference court determined the amount of compensation as aforesaid.

3. Reliance is placed by the learned counsel for the appellant on the decision of this court in the case of Dula Ram v. Union of India 999 (2002) DLT 564 , wherein a notification was issued u/s 4 of the Act on the same date i.e. 23-1-1965 however, the village is different, which is known as Ladha Sarai. There is no dispute before the court that both the villages are adjacent to each other. On an appeal, Division Bench while making an award considered the case of Raj

Kumar and Others Vs. Union of India, , which related to the land of village Ladha Sarai in respect of notification dated 13-11-1959. Fair market value was determined @ Rs 12500/- per bigha. In determining the said compensation for village Ladha Sarai in the said case, reliance was placed on an earlier decision in Basti Ram v. Union of India RFA 55/82, decided on 25.11.1999 wherein compensation had been determined with respect to the land situate in village Lado Sarai acquired vide notification issued u/s 4 of the Act on 13-11-1959. The court also pointed out in the said judgment about the development and situation. In that case it was held "that the land situate in village Lado Sarai had better location and potentiality than the land situate in village Mehrauli. The court also observed that" in this view of the matter in Raj Kumar case (supra) the Division Bench observed that the Collector himself had equated the land situate in village Lado Sarai to the land situate in village Ladha Sarai in all respects as regards potentiality, location and importance and had proceeded to offer compensation on that basis further observing that the land situate at village Ladha Sarai was about a furlong toward Qutab, Delhi.

4. Thus in view of this aspect, the court is required to determine the market price of the land. For the land acquired in 1959 in the case of Basti Ram case (supra) the court determined the market value @ Rs. 12500/- when the notification was issued on 13-11-1959. The observations in Dula Ram case (supra) show that the land situated in village Ladha Sarai and for village Lado Sarai are comparable as regards potentiality, location and importance. The market price has already been determined for the land acquired vide notification of 23-1-1965 in respect of Ladha Sarai at Rs. 20000/- per bigha. In view of what has been discussed hereinabove, we are of the considered view that the appellants would be entitled to the compensation at the same rate of Rs. 20,000/- per bigha.

5. The appellant shall also be entitled to other benefits, i.e. solarium @ 30% p.a. and interest @ 9% p.a. for the period of one year from the date of collector taking possession and thereafter @ 15% p.a. till payment. These benefits have to be granted items of the decision of the Supreme Court in the case of Sunder Vs. Union of India, .

6. The appellant shall however not be entitled to 12% additional amount in view of the judgment of the Supreme Court in K.S. Paripoornan Vs. State of Kerala and Others, .

7. The appeal is allowed in the aforesaid terms along with proportionate costs.