
(1991) 02 DEL CK 0006

In the Delhi High Court

Case No : Regular First Appeal No's. 43 and 49 of 1971

Teka (Deceased) through Lrs. and Others

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 22-02-1991

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (1991) 44 DLT 373

Hon'ble Judges : Leila Seth, J;A.D. Singh, J

Bench : Division Bench

Advocate : B.P. Gupta, for the Appellant;

Judgement

Anil Dev Singh, J.

(1) This judgment will dispose of seven appeals being R.F.A. Nos. 43 to 49 of 1971 arising out of the award of the learned Additional District Judge dated 2/09/1970 in L.A.C. No. 216 of 1966.

(2) The land belonging to the appellants situate in village Ber Sera came to be acquired for the planned development of Delhi. A notification u/s 4 of the Land Acquisition Act, 1894 was issued on 13/11/1959 and declaration u/s 6 was published on 6/01/1964. Thereafter, notices were issued u/s 9 and ultimately the Land Acquisition Collector made his award on 9/12/1964 granting Rs. 2,000.00 per bigha as compensation. On matter being carried in reference u/s 18, the Additional District Judge, Delhi by his award dated 11/03/1970 enhanced the compensation from Rs.2,000.00 per bigha to Rs. 4,500.00 per bigha. The appellants, not being satisfied with the amount of compensation awarded in their favor, have filed this appeal.

(3) This Court in Kanahya and others v. The Collector, Delhi, Rfa 51 of 1971 awarded Rs. 12,000.00 per bigha for the land situate in the same village, which was acquired in pursuance of notification u/s 4 of the Act dated 24/10/1961. The notification in the instant case was issued in 1959. Therefore, there is a gap of

two years between the notification issued in the present case and the notification pertaining to land, which was the subject matter of Rfa 51/71. Obviously market value of land fixed by the Court in 1961 cannot be awarded for the land notified in 1959. While deciding RFA51/71, this Court relied upon the judgment, rendered in Mir Singh v. Union of India ,Rfa No. 173 of 1967 decided on 25/07/1984. This case pertained to land in village Munirka for which the notification u/s 4 of the Act was issued on 24/10/1961.

(4) In Mr. Justice A.N. Bhandari and others v. Union of India & another, LPA No. 81 of 1979, which also pertained to village Munirka, this Court assessed Rs. 10,000.00 per bigha as market value of the land, which was acquired pursuant to notification u/s 4 dated 8/03/1957.

(5) Consequently, we are of the view that a just and fair market value for the land acquired in this case would be Rs. 11,000.00 per bigha. We accordingly fix that to be the market value of the land to which the appellants would be entitled.

(6) In addition the appellants will be entitled to solarium at the rate of 15 per cent on the market value of the land and interest at the rate of 6 percent per annum from the date of taking possession of the land by the Collector to the date of payment into Court of the amount in excess of the sum which the Collector awarded as compensation.

(7) This apart, since there is a difference of more than three years between the notification u/s 4 and the declaration u/s 6 of the Act, the appellants will also be entitled to interest at the rate of 6 per cent per annum on the market value of the land u/s 4(3) of the Land Acquisition (Amendment and Validation) Act, 1967 provided there is no overlapping in the payment of interest u/s 28 of the Act and Section 4(3) of the Amendment Act of 1967.

(8) The appellants are entitled to proportionate costs.