

**(1992) 04 DEL CK 0059**

**In the Delhi High Court**

**Case No :** Regular First Appeal No. 122 of 1975 and Civil Miscellaneous Appeal No. 1142 of 1991

Union of India

APPELLANT

Vs

Bhagwan Singh and Others

RESPONDENT

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**Date of Decision :** 23-04-1992

**Acts Referred:**

Land Acquisition Act, 1894 — Section 4

**Citation :** (1992) 47 DLT 205

**Hon'ble Judges :** R.L. Gupta, J;D.P Wadhwa, J

**Bench :** Division Bench

**Advocate :** R.P. Jain, for the Appellant;

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## **Judgement**

D.P. Wadhwa, J.

(1) Nobody appears for the appellant to plea this appeal.

(2) The land in question is situated in the village Kusumpur. A notification u/s 4 of the Land Acquisition Act, 1894 (for short "the Act") was issued on 23/01/1965 and a declaration u/s 6 of the Act on 6/09/1966. The award was given on 25/11/1968.

(3) The learned Collector awarded compensation at the rate of Rs. 2,500.00 per bigha. On a reference made to the District Court u/s 18 of the Act the learned Additional District Judge by judgment dated 21/12/1974 enhanced the compensation at the rate of Rs. 5000.00per bigha. The appellant-Union of India filed this appeal u/s 54 of the Act. To this cross-objections have been filed by the respondents claiming compensation at the rate of Rs. 15,000.00 per bigha. These cross-objections have been registered. Respondents have also paid the requisite Court fee .

(4) It has been submitted before us that there are two villages, namely, Kusumpur and Moradabad Pahari, adjoining each other. In the case of acquisition of land in village Moradabad Pahari which is also subject-matter of the same

notification, the learned Additional District Judge,, relying on a judgment made by another Additional District Judge, in the present case also fixed the compensation at the rate of Rs. 5000.00 per bigha. Against that an appeal was filed by the owner of the land and this Court by judgment dated 2/01/1986 enhanced the compensation to Rs. 15,000.00 per bigha. The appellants there were also awarded interest at the rate of 12% per annum and solarium at the rate of 30% on the market value relying on the Amending Act of 1984. This was, however, subject to the decision of the Supreme Court in somewhat similar case.

(5) Mr. Jain, learned Counsel for the cross-objectors, submitted that land in both the villages is of similar nature and in fact, he said, the land in the village Kusumpur is more fertile than that in" the village Moradabad Pahari. If the land is of the same nature, Mr. Jain says, compensation in the present case should also be at the rate of Rs. 15,000.00 per bigha. We see no reason not to accept this argument and there is also no reason why should we not rely on the judgment of this Court in the case of land in the village Moradabad Pahari.

(6) Accordingly, the appeal is dismissed and the cross-objections are allowed .The compensation of the land in question shall be payable at the rate of Rs. 15.000.00 per bigha with interest at the rate of 6% per annum and solarium at the rate of 15% from the date the possession of the land was take over by the Collector. Any amount paid or received earlier by the respondent/cross objectors shall be liable to be adjusted. Cross-objections are, Therefore, allowed with costs limited to court fee only.