
(1996) 04 DEL CK 0018

In the Delhi High Court

Case No : Regular First Appeal No. 285 of 1981 and Civil Miscellaneous Appeal No. 82 of 1986

Union of India

APPELLANT

Vs

Khazan Singh

RESPONDENT

Date of Decision : 05-04-1996

Acts Referred:

Land Acquisition Act, 1894 — Section 23

Citation : (1996) 37 DRJ 471

Hon'ble Judges : Mahinder Narain, J;J.B. Goel, J

Bench : Division Bench

Advocate : S.S. Sabharwal and R.P. Jain, for the Appellant;

Judgement

Mahinder Narain, J.

(1) This is an appeal filed by the Union of India, preferred in connection with acquisition of land in village Qasoompur. By our order passed in R.F.A. 329 of 1981 (Union of India v. Sh. Hoshiar Singh & ors), on 8.3.1996, we have determined the market value of the land in question at the rate of Rs.15,000.00 per bigha. The appeal of the Union of India is, Therefore, liable to be dismissed.

(2) The respondents have also filed cross-objections, claiming enhancement in the market value from Rs.3,000.00 per bigha to Rs.15,000.00 per bigha.

(3) The learned Additional District Judge in reference u/s 18 of the Land Acquisition Act, had assessed the market value of the land in village Qasoompur in two categories - block "A" at Rs.5,000.00 per bigha and block "B" at Rs.3,000.00 per bigha. It appears that the land of the appellants falls in block "B", which had been assessed at Rs.3,000.00 per bigha.

(4) By our judgment passed in R.F.A. 329 of 1981, referred to above, we have determined the market value of the land in question at Rs.15,000.00 per bigha, irrespective of the category of the land. As such the respondents shall also get compensation for their land at the rate of Rs.15,000.00 per bigha.

(5) In addition, the respondents have also claimed solarium at the rate of 30% and additional amount at the rate of 12% per annum, obviously on the basis of the Land Acquisition (Amendment) Act, 1984. As this amendment had come into force in 1984, and the present reference was decided on 27-2-1981, i.e. before the amendment came into force, the respondents are not entitled to these enhanced amounts. However, in addition, the respondents shall be entitled to solarium at 15% on the enhanced compensation. In addition the respondents shall also get interest at the rate of 6% per annum from the date of taking possession of the land till making of the payment. The respondents shall also get proportionate costs.

(6) In the result, the appeal is dismissed, and the cross-objections are partly allowed.