
(2013) 05 DEL CK 0135
In the Delhi High Court
Case No : LA. App. 101 of 2013

Union of India

APPELLANT

Vs

Ramesh Kumar and Others

RESPONDENT

Date of Decision : 06-05-2013

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 23(1A), 23(2), 28, 4

Citation : (2013) 05 DEL CK 0135

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Yeeshu Jain, for UOI, for the Appellant; Arun Birbal, for DDA, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jain, J.

CM 7170/2013 (extension of time in filing the court fee)

The time for filing the Court fee is extended till today.

The application stands disposed of.

LA. APP. 101/2013 & CM 7168/2013 (stay) & CM 7169/2013 (delay)

1. The land of the respondents no. 1 to 5 having been acquired for planned development of Delhi and the Land Acquisition Collector vide Award no. 28/2002-2003 granted compensation @ 13.82 lac per acre in respect of the land which he placed in Block-A and @ Rs. 12.32 lac per acre in respect of the land placed by him in Block-B. Being dissatisfied with the compensation awarded by the Land Acquisition Collector, the respondents no. 1 to 5 sought a Reference u/s 18 of the Land Acquisition Act. In the said Reference being LAC No. 190/09/05, the learned Additional District Judge vide judgment dated 25.4.2012, relying upon the decision of this Court in Ranbir Sharma vs. Union of India [LPA No. 587/2008 decided on 6.1.2011], awarded the following compensation to the

respondents:

(i) Enhancement of compensation from Rs. 13.82 lacs per acre to Rs. 15 lac per acre i.e. enhancement of Rs. 1,18,000/- per acre for land in Block A and enhancement from Rs. 12.32 lacs to Rs. 13.36 lacs per acre i.e. enhancement of Rs. 1,04,000/- per acre for land in Block B.

(ii) Additional amount u/s 23(1A) @ 12% per annum on the market value from the date of notification u/s 4 of L.A. Act till the date of award or dispossession, whichever is earlier.

(iii) Solatium u/s 23(2) of L.A. Act @ 30% on the enhanced amount of compensation.

(iv) Interest u/s 28 of L.A. Act @ 9% per annum for the first year from the date of possession and @ 15% per annum on the difference between the enhanced compensation awarded by this Court and compensation awarded by LAC for subsequent period till its payment.

(v) Petitioner is also entitled to interest on solatium and additional amount as per directions given by the Hon''ble Supreme Court in the case of Sunder Vs. Union of India,

The learned counsel appearing for the appellant/ UOI fairly concedes that since the land in question pertains to Village Bijwasan, which was also the subject matter of LPA 587/2008, Ranbir Sharma (supra), the case is fully covered by the aforesaid judgment. He also admits that this is not the case of the appellant that the land of the respondents was in any manner inferior to the land of Ranbir Sharma or that the land in the case of Ranbir Sharma was in any manner superior to the land of the respondents no. 1 to 5 in this case. If that is so, there would be no reason to respondents no. 1 to 5 getting compensation less than what was granted by this Court in the case of Ranbir Sharma (supra). The learned counsel appearing for the appellant further states that he is not aware whether any SLP was filed by them against the decision of this Court in Ranbir Sharma (supra). In these circumstances, there would be no reason for not taking the same view which this Court had taken in the case of Ranbir Sharma (supra). Since on merits the appeal cannot succeed, I do not need to go into the question as to whether there is sufficient cause for condonation of delay in filing the appeal or not.

The appeal as well as CM 7169/2013 for condonation of delay in filing the appeal are dismissed.