

(1995) 07 DEL CK 0020

In the Delhi High Court

Case No : Regular First Appeal No. 205 of 1977

Union of India

APPELLANT

Vs

Shri Harkishan etc.

RESPONDENT

Date of Decision : 18-07-1995

Acts Referred:

Citation : AIR 1996 Delhi 101

Hon'ble Judges : Dr. M.K. Sharma, J;D.P Wadhwa, J

Bench : Division Bench

Advocate : S.S. Sabharwal, for the Appellant;

Judgement

Dr. M.K. Sharma, J.—This is an appeal filed by the Union of India under S. 54 of the Land Acquisition Act, 1894 (hereinafter called the Act) against the enhancement of compensation payable to the claimant/ respondent under the award dated 8-7-1975 in LAC No. 1/1974 passed by the Additional District Judge, Delhi, for his land at village Bahapur, Delhi, acquired for public purposes under notification dated 13-11-1959 under S.4 of the Land Acquisition Act.

2. By the aforesaid notification issued under S. 4 of the Land Acquisition Act, total land measuring 359 Bighas 13 bids was was acquired and the declaration under S. 6 of the Act was made on 26/27-7-1961. The Land Acquisition Collector divided the entire land into four blocks and determined the market value of Rs. 6,000/-, Rs. 4,500/-, Rs. 3,500/-and Rs, 2,500/ - per bigha to the land placed in the said four blocks. The entire land in dispute was placed in Block II and was assessed at Rs. 4,500/ - per bigha. On reference the Additional District Judge through the impugned award enhanced the compensation amount and determined the same at Rs. 16,000/- per bigha, thereby enhancing the market value @ Rs. 11,500/- per bigha so far as the land of the claimant/respondent is concerned.

3. Being aggrieved by the aforesaid enhancement the Union of India has filed the present appeal in this court.

4. Our attention has been drawn to a decision of this court in R. F. A. 113/1980 in the case of Pandit Sis Ram (deceased through LRS) & another v. Union of India, disposed of on 27-10-1994 wherein this court in respect of land situated in village Bahapur and acquired under notification dated 13-11-1959 under S. 4 of the Act determined compensation for the said land at Rs. 19,000 / - per bigha as fair and reasonable market value. On perusal of the said judgment we find that while fixing the market value of the-land involved in the said case this court followed two earlier decisions of this court in RFA 408/1977, Union of India v, Amin Chand and others; decided on 19-7-1979 and also in RFA 463/1979 Chhajju v. Union of India; decided on 3-12-1979. It appears that in Chhajju's case (supra) this court determined the land acquisition compensation at Rs. 19,000/- and Rs. 16,000/- respectively for blocks I and II lands.

5. In the present case, however, we are concerned with the land categorised in Block II which was assessed at Rs. 4,500/- per bigha by the Land Acquisition Collector. In Chhajju's case (supra) for land categorised in block II compensation was assessed by this court at Rs. 16,000/- per bigha. Accordingly, following the ratio of the aforesaid decision of this court we find that the land acquisition compensation determined by the Additional District Judge on reference and determination @ Rs. 16.000/- per bigha for the disputed land is just and proper and, Therefore, the award passed by the learned Additional District Judge does not call for any interference at our hands in the present appeal.

6. At this stage we may appropriately refer to a decision in The State of Madras Vs. A.M. Nanjan and Another, , wherein the Supreme Court has held that if the land involved in the award is comparable land in reasonable proximity of the land the rates found would be reliable material. On analysing the evidence adduced in the present case, we find that the land involved in the present case is comparable possessing the same advantages and potential value to the land categorised in Block II, in Chhajju's case (supra). Accordingly, in our opinion, the land acquisition compensation assessed by the Additional District Judge in the impugned award at Rs. 16,000/- per bigha is held to be just, proper and reasonable.

7. In the result, the appeal filed by the appellant/Union of India is dismissed as having no merit. The respondent/claimant shall be entitled to costs which we assess at Rs. 1,000/-.

8. Appeal dismissed.