

(2004) 02 DEL CK 0021

In the Delhi High Court

Case No : Regular First Appeal No's. 512, 685, 686, 688, 698 and 700 of 1999 and 303, 310, 312, 319 and 597 of 2000

Union of India (UOI)

APPELLANT

Vs

Chandgi Ram (deceased) through his Legal Representatives

RESPONDENT

Date of Decision : 19-02-2004

Acts Referred:

Citation : (2004) 110 DLT 740 : (2004) 74 DRJ 135 : (2004) 4 RCR(Civil) 428

Hon'ble Judges : Pradeep Nandrajog, J; Dalveer Bhandari, J

Bench : Division Bench

Advocate : Sachin Nawani, for the Appellant; None, for the Respondent

Judgement

Dalveer Bhandari, J.—This judgment will dispose of number of appeals preferred by the Union of India pertaining to the revenue estate of Village Poothkalan. The notification u/s 4 of the Land Acquisition Act, 1894 was issued on 11.12.1981 and Section 6 of the Land Acquisition Act, 1894 was issued on 11.4.1984.

2. The Land Acquisition Collector made Award u/s 11 of the Act bearing No. 20/1985-86 on 11.11.1985. The Land Acquisition Collector had awarded compensation at the rate of Rs.12,100/-, Rs.12,000/- and Rs. 6000/- per bigha for the land in category A, B and C respectively in Village Poothkalan.

3. The respondents dissatisfied with the said compensation preferred a reference u/s 18 of the Act for enhancement of compensation. The respondents in support of their claim for enhancement placed reliance on the judgment delivered by this Court in RFA No. 387 of 1991 titled as Ramphool and Another vs. Union of India. On the basis of this judgment, the learned Additional District Judge enhanced the compensation and determined the market value of the land at Rs. 30,000/- per bigha for the land acquired of village Poothkalan. The learned Additional District Judge also allowed other statutory benefits to the respondents.

4. The appellant aggrieved by the said judgment of the learned Additional District Judge has preferred these appeals u/s 54 of the Act. It may be pertinent to

mention that the Union of India had filed a SLP in the Supreme Court of India against the judgment of the Division Bench of this Court emanating from RFA No. 387 of 1991 titled as Ramphool and Another vs. Union of India. It was contended by the Union of India that Ex A-1 which is a sale transaction in respect of a small bit of land measuring one bigha could not be the basis for determination of the market value of a vast stretch of land measuring 5484 bighas and if that is taken out of consideration, then there is no residue of evidence on which the determination made by the High court enhancing the compensation awarded by the reference court can be sustained. Their Lordships of the Supreme Court have accepted the contention of the UOI and observed "we have no other evidence other than Exhibit A-1 which was a sale transaction of 10th September,1981 in respect of one bigha of land and the price therein was Rs. 30,000/- per bigha. It has been held in a catena of decisions of this Court that the sale price in respect of a small bit of transaction would not be the determinative factor for deciding the market value of a vast stretch of land."

5. It may be pertinent to mention that the total land acquired in Village Poothkalan was about 5484 bighas. The Apex Court observed that the High Court erred in relying upon Exhibit A-1 (pertaining to 1 bigha) in determining the market value of the acquired land extending to 5484 bighas. Their Lordships of the Supreme Court observed that since onus is on the claimant to lead evidence on the determination of market value and if Exhibit A-1 is taken out of consideration, then there is no residue of evidence on which the determination made by the High Court enhancing the compensation awarded by the Reference Court could be sustained.

6. The Apex Court has set aside the judgment delivered by the Division Bench of this Court titled as Ramphool and Another vs. Union of India and affirmed the compensation based on market value as determined by the Reference Court. This case relates to the land acquired in village Poothkalan.

7. The aforesaid judgment of the Apex Court squarely covers the cases pertaining to the Village Poothkalan. In this view of the matter, these appeals filed by the Union of India deserve to be allowed and the impugned judgment passed by the learned Additional District Judge has to be set aside. We accordingly affirm the compensation which is based on the market value as determined by the Reference Court and set aside the impugned judgment which is based on the judgment of a Division Bench of the High Court (Ramphool and Another vs. Union of India).

8. These appeals are accordingly disposed of. In the facts and circumstances of the cases, we direct the parties to bear their own costs.