
(2010) 12 DEL CK 0372

In the Delhi High Court

Case No : Regular First Appeal No. 927 of 2003

Union of India (UOI)

APPELLANT

Vs

Pratap Singh and Others

RESPONDENT

Date of Decision : 01-12-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 6

Citation : (2010) 12 DEL CK 0372

Hon'ble Judges : P.K. Bhasin, J

Bench : Single Bench

Advocate : Sanjay Poddar, for the Appellant; None, for the Respondent

Final Decision : Disposed Off

Judgement

P.K. Bhasin, J.—This appeal was filed by Union of India against the judgment and decree dated 22nd February, 2002 passed by the learned Additional District Judge in Land Acquisition case No. 76/1991 whereby the compensation in respect of the land of the Respondents No. 1 to 4 in village Dallupura acquired by the Government pursuant to the notifications dated 17th November, 1980 u/s 4 of the Land Acquisition Act and 29th September, 1981 u/s 6 of the said Act vide award No. 79/1982-83 of the Land Acquisition Collector was enhanced from Rs. 12,500 per bigha awarded by the Land Acquisition Collector to Rs. 3,45,000 per bigha.

2. Learned Counsel for the Appellant submitted that the Reference Court while fixing the market value of the acquired land of the Respondents Nos. 1 to 4 at Rs. 3,45,000 per bigha had relied upon two decisions of this Court in Anil Kumar Sharma v. Union of India 86 (2001) DLT 825 and the other one is unreported one in RFA No. 338/94 Rattan Lal v. UOI decided on 24-08-2001 wherein this Court had fixed the market value of lands in villages Kondli & Dallupura respectively at Rs. 3,45,000 per bigha. Many cases were disposed of by this Court by these two judgments in which Delhi Development Authority was one of the parties as the beneficiary of the acquisition of lands in these two villages. Mr. Poddar further

submitted that the Delhi Development Authority as well as Union of India challenged both these decisions of this Court before the Hon''ble Supreme Court and the judgments of this Court in both the cases were set aside vide judgment dated 3rd August, 2004 rendered in the lead case of Delhi Development Authority Vs. Bali Ram Sharma and Others, . The Hon''ble Supreme Court while setting aside the fixation of market value of lands in villages Kondli and Dallupura at Rs. 3,45,000 per bigha reduced the same to Rs. 76,550 per bigha relying upon its earlier decision in Karan Singh and others etc. Vs. Union of India, . In view of the said judgment of Hon''ble Supreme Court, learned Counsel for the Appellant submitted that the Respondents were not entitled to get compensation in respect of their land at a rate higher than Rs. 76,550 per bigha and therefore, the present appeal deserves to be allowed.

3. The Respondents Nos. 1 to 4, who are the claimants were served with the notice of this appeal and they entered appearance through counsel on 22-01-2004 but thereafter they were not represented when the appeal was taken up for hearing though opportunity was given to them to have their case argued. Consequently, arguments have been advanced in the matter only by counsel for the Appellant. Counsel for the Appellant had also submitted that the Respondents Nos. 1 to 4 might not be interested in defending this appeal because of the decision of the Hon''ble Supreme Court in Bali Ram''s case (supra) in which market value of village Dallupura, which is the village involved in the present appeal also, has been fixed at Rs. 76,550 per bigha.

4. I have gone through the judgment of the Reference Court and find that the learned Reference Court had relied upon the already referred two judgments of this Court while fixing the market value of land of the Respondents Nos. 1 to 4 at Rs. 345 per square yard (Rs. 3,45,000 per bigha) and a perusal of the judgment of the Hon''ble Supreme Court in Bali Ram''s case (supra) shows that these two judgments of this Court relied upon by the Reference Court have been set aside and the market value of land in village Dallupura has been fixed at Rs. 76,550 per bigha. Therefore, the impugned judgment of the Reference Court in the present case cannot be sustained and so the same is modified to the extent that the market value of the land of the Respondents No. 1-4 shall stand fixed at Rs. 76,550 per bigha instead of Rs. 3,45,000 per bigha fixed by the Reference Court and the statutory benefits awarded to the Respondents Nos. 1 to 4 shall be payable now on the said amount of Rs. 76,550 per bigha. This appeal stands disposed of accordingly. The Appellant shall be entitled to proportionate costs of the appeal.