

(2010) 08 DEL CK 0307

Delhi High Court

Case No: Regular First Appeal No. 285 of 2003

Sudhir Kumar and Another

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision: Aug. 27, 2010

Acts Referred:

- Land Acquisition Act, 1894 - Section 18, 4

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

Bench: Single Bench

Advocate: Sudhanshu Tomar, for the Appellant; Ramesh Ray, for R-1 and Rakesh Mittal, for R-2, for the Respondent

Final Decision: Allowed

Judgement

P.K. Bhasin, J.

The appellants are legal heirs of the land owner Mauji whose land in village Nawada was acquired by the Land Acquisition Collector vide Award No. 159/1986-87 dated 17/09/86 pursuant to the notification No. F9(16)/84 L&B dated 27th January, 1984 u/s 4 of the Land Acquisition Act which had been issued in respect of 373 bighas and 17 biswas in village Nawada. The Land Acquisition Collector had determined the market value of the acquired land at Rs. 17,800 per bigha. Since the claimants-appellants were not satisfied with that much compensation they got a reference made u/s 18 of the Land Acquisition Act for enhancement of compensation. The reference (LAC No. 882/93) was disposed of by the learned Additional District Judge vide judgment dated 1st August, 2002 enhancing the compensation to Rs. 36,400 per bigha and further statutory benefits were also granted to the appellants herein. The appellants, however, were still not satisfied and so they filed the present appeal.

2. I have heard the learned Counsel for both the parties. It is not in dispute that even the Land Acquisition Collector while fixing the value of the land in village

Nawada had observed that the said village was at par with adjoining villages Matiala, Hastal and Kakrola and taking the similarity in respect of these villages he had arrived at the above referred value of the land in village Nawada which was based on the decision of Reference Court in respect of adjoining village Kakrola which was also acquired vide separate notification dated 27th January, 1984. Even the Reference Court has found all these three villages to be falling in the same category and relying upon one award No. 164/1986-87 in respect of village Matiala, which was exhibited as Ex.A-2, had enhanced the value of appellants' land to Rs. 36,400 per bigha. It is also not in dispute that against the said award in respect of village Matiala different appeals were filed which came to be disposed of by this Court vide common judgment dated 23rd December, 1999 in RFA No. 280/92 "Puran Singh v. Union of India" whereby the land rate of village Matiala was enhanced to Rs. 47,224 per bigha.

3. Counsel for appellants have argued that since the Land Acquisition Collector as well as the Reference Court have not found any difference in respect of the villages Nawada, Matiala and Kakrola the appellants are entitled to the benefit of the judgment dated 23rd December 1999 of the Division Bench of this Court in respect of village Matiala. He also cited one decision of the Supreme Court in JT 1988 (4) SC 260, "Nand Ram v. State of Haryana". Learned Counsel for the respondents did not have anything to argue in opposition to this plea of the appellants and in my view rightly so because there is hardly any reason to deny the benefit of valuation fixed by the Division Bench of this Court in respect of village Matiala to the appellants in respect of their land in village Nawada which has been found by the LAC as well as the trial Court to be similarly situated.

4. This appeal, therefore, succeeds and the value of the appellants' land is also fixed at Rs. 47,224 per bigha. The other benefits given to the appellants vide impugned judgment dated 1st August, 2002 shall, however, remain undisturbed. The appeal stands allowed and disposed of accordingly.