

(1997) 05 DEL CK 0082

Delhi High Court

Case No: Regular First Appeal No. 128 of 1985

Dharam Pal

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision: May 19, 1997

Acts Referred:

- Land Acquisition (Amendment and Validation) Act, 1967 - Section 4(3)
- Land Acquisition Act, 1894 - Section 23(2), 28

Citation: (1997) 70 DLT 596

Hon'ble Judges: S.N. Kapoor, J; A.B. Saharya, J

Bench: Division Bench

Advocate: Rishikesh and M.K. Sharma, for the Appellant;

Judgement

Arun B. Saharya, J.

(1) This is an appeal u/s 54 of the Land Acquisition Act, 1984 (hereinafter referred to as "the Act) against award and decree dated 2.8.1984 passed by the learned Additional District Judge, Delhi, determining the amount of compensation payable to the appellants for acquisition of their land situated in Village Badii, Delhi.

(2) The piece of land in question was acquired by notification u/s 4 of the Act dated 24.10.1961. Declaration u/s 6 of the Act was issued on 6.12.1966 and Award was made by the Land Acquisition Collector on 10.11.1981.

(3) The question of market value of the land in the same village, acquired by the very same notification, was the subject-matter of Rfa No. 208/1993: Bhoop Singh v. Union of India, which was decided by a Division Bench of this Court on 12.12.1984. In that case, market value was assessed @ Rs. 7,000.00 per bigha.

(4) Accordingly, we hold that market value of the land of the appellants in the present case also should be determined @ Rs. 7,000.00 per bigha.

(5) In addition to the market value, the appellants/claimants shall be entitled to payment of solarium at the rate of 30% per annum of the aforesaid market value, in consideration of the compulsory nature of the acquisition u/s 23(2) of the Act. The appellants/claimants shall also be entitled to interest at the rate of 9% per annum from the date of dispossession till expiration of one year from that date and thereafter @ 15% per annum till the date of payment in Court on the compensation in excess of the sum awarded by the Collector in terms of Section 28 of the Act.

(6) As there is a difference of more than 3 years between the notification u/s 4 (24.10.1961) and declaration u/s 6 (6.12.1966) of the Act, the appellants shall also be entitled to interest @ 6% per annum on the market value of the land u/s 4(3) of the Land Acquisition (Amendment and Validation Act) 1967, provided that there is no overlapping in the payment of interest u/s 28 of the Act and Section 4(3) of the Amending Act.

(7) The appellants/claimants shall be entitled to proportionate cost.

(8) The appeal is accordingly allowed.