

Goverdhan Dass and anr. Vs. Union of India and anr.

Goverdhan Dass and anr. Vs. Union of India and anr.

SooperKanoon Citation : sooperkanoon.com/1171663

Court : Delhi

Decided On : Nov-13-2014

Judge : Sunil Gaur

Appellant : Goverdhan Dass and anr.

Respondent : Union of India and anr.

Advocate for Pet/Ap. : Mr. S.K.Rout, Mr. Pramod Kumar, Mr. Sanjay Kumar Pathak, Mr. Sunil Kumar Jha

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision:

13. h November, 2014 + LA.APP. 790/2006 GOVERDHAN DASS & ANR.
Appellants Through: Mr. S.K.Rout & Mr. Pramod Kumar, Advocates versus UNION
OF INDIA & ANR. Through: + Respondents Mr. Sanjay Kumar Pathak & Mr.
Sunil Kumar Jha, Advocates for UoI/LAC LA.APP. 46/2010 UNION OF INDIA
Through: Appellant Mr. Sanjay Kumar Pathak & Mr. Sunil Kumar Jha,
Advocates for UoI/LAC versus GOVERDHAN DASS & ORS. Respondents
Through: Mr. S.K.Rout & Mr. Pramod Kumar, Advocates CORAM: HON'BLE MR.
JUSTICE SUNIL GAUR

JUDGMENT

(Oral) With the consent of both sides, the above-captioned two appeals were heard together as they are directed against common impugned judgment of 29th

April, 2006 and are being disposed of by this common LA.APP. Nos. 790/2006 & 46/2010 Page 1 judgment. For the planned development of Delhi, land of appellants Goverdhan Dass & Murli Manohar, situated in the Revenue Estate of Village Mohd. Pur, Munirka, Delhi was acquired in pursuance to the Notification of 12th April, 1988 under Section 4 of Land Acquisition Act. The Collector had awarded compensation @`65/- per sq. yard and vide impugned judgment the Reference Court had enhanced compensation to `87.58 per square yard while relying upon sale instances Ex. R-1 to R-5 relied upon by UoI/LAC. Enhancement of compensation is sought by appellants-Goverdhan Dass & Murli Manohar while relying upon sale instances Ex. A-1 to A-5 whereas Union of India is aggrieved by the escalation of 100% of the market price by the Reference Court and while relying upon Apex Court decision in Kashmir Singh v. State of Haryana & Ors. (2014) 2 SCC165 the escalation of 100% is sought to be reduced to 12% p.a. The factual matrix of this case is already noticed in the impugned judgment and needs no reiteration. At the hearing of these appeals learned counsel for appellants-Goverdhan Dass & Murli Manohar had placed reliance upon sale instances Ex.A-5 i.e. the sale deeds of land situated in Burmah Shell Cooperative Society Ltd., R.K.Puram, New Delhi in the year 1987 to seek enhancement of compensation @Rs.1900/per sq. yard on the other hand Mr. Sanjay K. Pathak, Advocate, learned counsel for respondent/UoI has relied upon sale instance Ex.R-5 of aforesaid Burmah Shell Cooperative Society Ltd., R.K.Puram, New Delhi of the year 1984 and has asserted that Reference Court has rightly assessed the compensation by relying upon aforesaid sale instance Ex.R-5 LA.APP. Nos. 790/2006 & 46/2010 Page 2 but erred in granting 100% escalation which ought to be reduced to 12% p.a. in view of dictum of the Apex Court in Kashmir Singh (supra). After having heard learned counsel of the parties and impugned judgment on record, I find that the acquired land in question falls in Sunlight Colony and appellants witness (PW-6) was not in a position to state as to whether this was authorized or unauthorized colony. It is not known whether the acquired land was a slum or had authorized electric, water connections etc. In such a situation, Reference Court has rightly relied upon sale instance Ex. R-5 of Burmah Shell Cooperative Society Ltd. of the year 1984 and while taking into account the potential value of the acquired land, escalation of 100% had been granted as the

acquired land is near the commercial hub i.e. Bhikaji Cama Place, New Delhi. In this background, Apex Courts judgment in Kashmir Singh (supra) would not apply to the facts of the instant case and by granting 100% escalation, the fair market value of the acquired land in question has been assessed. In view of aforesaid, this Court finds no illegality or infirmity in the impugned judgment. Resultantly, these appeals are dismissed with no order as to costs. (SUNIL GAUR) JUDGE
NOVEMBER13 2014 vn LA.APP. Nos. 790/2006 & 46/2010 Page 3

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com