

Union of India Vs. Ram Chander

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Court : Delhi

Decided On : Mar-15-1993

Reported in : 1993(25)DRJ595

Judge : D.P. Wadhwa and; Vijender Jain, JJ.

Acts : [Land Acquisition Act, 1894](#) - Sections 4

Appeal No. : Regular First Appeal No. 265 of 1970 and C.M. (X-Obj.) Appeal No. 1088 of 1991

Appellant : Union of India

Respondent : Ram Chander

Advocate for Pet/Ap. : R.P. Jain, Adv

Judgement :

D.P. Wadhwa, J.

(1) This appeal filed by the Union of India under section 54 of the Land Acquisition Act, 1894 (for short 'the Act') arises out of the judgment dated 28/11/1969 of the learned Additional District Judge, Delhi, passed on a reference under section 18 of the Act.

(2) The acquired land is situated in village Bagrola. Notification under section 4 of the Act was issued on 26/9/1964 and declaration under section 6 on 25/1/1965. The Land Acquisition Collector made his award No. 1835. He bifurcated the land in the village in Blocks 'A' and 'B'. For Block 'A' he fixed the market value at Rs.700.00 per bigha and for Block 'B' at the rate of Rs.400.00 per bigha. It is stated that the land in the present appeal forms part of Block 'A'. On a reference made under section 18 of the Act, the learned Additional District Judge by his judgment dated 28/11/1969 enhanced the market value of the land in question to Rs. 4,800.00 per bigha.

(3) Respondent has filed his cross-objection (C.M.No. 1088/91) claiming further enhancement in compensation at the rate of Rs.5,500.00 per bigha and has confined his appeal only for his acquired land measuring 12 bighas.

(4) At the outset Mr. Jain states that this is a covered matter as in a similar land of this very village a Bench of this Court in R.F.A. 7/72, decided on 18/7/1991, fixed the market value of the land in Block 'A' at Rs.5,350.00 per bigha. Mr. Jain states that he be also awarded compensation at the same rate.

(5) Nobody appears for the appellant Union of India though it is past 3.30 p.m. Accordingly, the appeal of the Union of India is dismissed and the cross-objections (C.M.No. 1088/91) of the respondent are allowed to the extent that following judgment in R.F.A. 7/72 we fix the market value of the acquired land of the respondent at Rs.5,350.00 per bigha, thus, enhancing the compensation by Rs.550.00 per bigha. The respondent will also be entitled to solatium at the rate of 15% on the enhanced amount of compensation and interest at the rate of 6% per annum on this very amount from the date of possession till payment. The respondent will also be entitled to costs limited to court fee only.