

Moti Ram Vs. Union of India

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Court : Delhi

Decided On : May-17-1993

Reported in : 1993IIIAD(Delhi)4; 51(1993)DLT552; 1993(26)DRJ457

Judge : C.L. Choudhary and; Arun Madan, JJ.

Acts : [Land Acquisition Act, 1894](#) - Sections 4; Land Acquisition (Amendment and Validation) Act, 1967 - Sections 4(3)

Appeal No. : Regular First Appeal No. 486 of 1971

Appellant : Moti Ram

Respondent : Union of India

Advocate for Pet/Ap. : S.K. Luthra, Adv

Judgement :

C.L. Chaudhry, J.

(1) Moti Ram, the appellant owned land in Village Mandoli. The land was acquired in pursuance of a notification dated 10.11.1966 issued under Section 4 of the Land Acquisition Act. Land Acquisition Collector assessed the market value of the land at Rs.2,000.00 per bigha. The appellant was not satisfied with the assessment made by the Land Acquisition Collector. He moved the District Judge under Section 18 of the Land Acquisition Act for enhancement of the compensation. By

award dated 27.5.1991 the Additional District Judge enhanced the market value of the land from Rs.2,000.00 to Rs.4,000.00 per bigha besides the statutory solarium. Even then the appellant was not satisfied with the award of the District Judge and he preferred this appeal in this Court.

(2) The appellant, in this appeal claimed compensation @ Rs.6,000.00 per bigha. There after, the appellant moved an application being C.M. 628/1992 under Order 6 Rule 17 Cpc for amendment of the grounds of appeal. In the grounds of appeal substitution was sought from the claim of Rs.6,000.00 to Rs.8,064.00 per bigha. This application was allowed. The appellant has filed the amended grounds of appeal as well as the requisite court fee.

(3) This court in R.F.A. 311/1974 had the occasion to Fix market value of the land in Village Mandoli, which was acquired by a notification under section 4 of the Land Acquisition Act dated 14.11.1959. The market value was assessed at Rs.8,064.00 per bigha. No doubt the market value was fixed at Rs.8,064.00 in respect of notification dated 14.11.1959 whereas in the present case the notification is dated 10.11.1960. Mr. Luthra contends that this is a common knowledge that the prices went on rising day by day and there was no occasion when there was fall in prices. We agree with this contention of Mr. Luthra. Relying upon the judgment of this court delivered in R.F.A. 311/1974 we hold that the appellant is entitled to compensation @ Rs.8,064.00 per bigha.

(4) The appellant will also be entitled to statutory solarium @ 15% and interest @ 6% per annum on the enhanced compensation from the date of dispossession till the date of payment.

(5) As there is a difference of more than 3 years between the notification under Section 4 (i.e.10-11.1960) and declaration under Section 6 (i.e. 7.6.1965) of the Act, the appellant shall also be entitled to interest @ 6% per annum on the market value of the land under Section 4(3) of the Land Acquisition (Amendment and Validation) Act, 1967 provided there is no overlapping of the payment of interest under Section 28 of the Act and Section 4(3) of the said Act. No costs.

