Rupinder Handa Vs. Union of India

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Court : Delhi

Decided On : May-24-1993

Reported in : 51(1993)DLT5

Judge : Sunanda Bhandare and; Mohd. Shamim, JJ.

Acts : Land Acquisition Act, 1894 - Sections 4

Appeal No. : Regular First Appeal No. 270 of 1972

Appellant : Rupinder Handa

Respondent : Union of India

Advocate for Pet/Ap. : Mukul Rohatagi and; Mansoor Ali, Advs

Judgement :

Sunanda Bhandare, J.

(1) This appeal is directed against the judgment and order of the Additional District Judge dated 18/02/1972.The land in dispute comprised in khasra Nos. 132(2-1) and 285/133(7-19),situated in village Kaloo Sarai, Delhi was acquired by Delhi Administration for planned development of Delhi in pursuance of notification issued under Section 4 of the Land Acquisition Act on 25/08/1962. Declaration under Section 6 was issued on 5/10/1962 and consequently an award was given by the Land Acquisition Collector, Delhi on 31/12/1962.The Land Acquisition

Collector fixed the market value of the land atRs. 4200.00 per bigha.

(2) Aggrieved by the award of the Land Acquisition Collector the appellant filed a reference petition under Section 18 of the Act and the Additional District Judge by the impugned judgment fixed the market value of the land at Rs. 10,000.00 per bigha. According to the appellant, the market value of the land was much higher on the date of the acquisition of the land.It is submitted that this Court in Rfa No. 262/72, Bans Raj Bhalla v. Union of India, fixed the market value of the land in respect of the same village atRs. 22.000.00 per bigha. In that case the notification under Section 4 was issued on 3/08/1963 i.e. one year later. Learned Counsel for the appellant submitted that as per the settled principles the appellant is entitled to get compensation on the basis of the market value at Rs. 21,000.00 per bigha.Learned Counsel for the respondent however, submitted that the appellant has claimed compensation on the basis of the market value at the rate ofRs. l6,000.00 per bigha in the appeal and he should not be awarded anything more than what he has claimed in the appeal.

(3) We find substantial force in the contention raised by the learned Counsel for the appellant. It is a well-settled principle that this Court fixes market value of land in a particular village in respect of the notification issued in a particular year. If the market value has to be fixed for a subsequent year or a previous year then the market value has to be assessed by awarding Rs. 1000.00 per bigha more or less. as the case may be. This Court has followed this principle in a large number of cases and we see no reason to deviate from this principle. We are, thereforee, of the opinion that the appellant is entitled to get compensation at the market value at Rs. 21,000.00per bigha subject to the appellant making up the deficit Court fee within two months. In additional to the compensation the appellant will also be entitled to solarium at the rate of 15% and interest at the rate of 6% per annum on Vie enhanced amount from the date of dispossession till payment. The appellant will also be entitled to proportionatecosts. The decree sheet be drawn up after the appellant makes up the deficit Court fee.