

Union of India Vs. Kure Etc.

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SooperKanoon Citation : sooperkanoon.com/696646

Court : Delhi

Decided On : May-20-1992

Reported in : 47(1992)DLT296

Judge : D.P. Wadhwa and; R.L. Gupta, JJ.

Acts : [Land Acquisition Act, 1894](#) - Sections 18

Appeal No. : Regular First Appeal No. 303 of 1976 and Civil Miscellaneous Appeal No. 940 of 1991

Appellant : Union of India

Respondent : Kure Etc.

Advocate for Pet/Ap. : Sashi Kiran and; S.K. Verma, Advs

Judgement :

R.L. Gupta, J.

(1) This appeal has been filed by Union of India against the judgment and decree dated 31.05.1976 by which the learned Additional District Judge enhanced compensation payable to the respondents in respect of their lands situated within the revenue estate of village Ali, Union territory of Delhi. As a result of the enhancement he fixed the market value of the land in Block I at Rs. 7,000.00 per bigha, in block II at Rs. 5300.00 per bigha and in block III at Rs. 1800.00 per bigha

at the time of the notification under Section 4 of the Land Acquisition Act (Act for short). This was done by him on a reference under Section 18 of the Act from the Collector. The appellant desires reversal of the impugned judgment and decree and maintenance of the compensation awarded by the Collector. There are cross-objections filed by the respondents vide Cm No. 940/91 claiming enhancement of compensation at the rate of Rs. 17,000.00 per bigha over and above the same fixed by the trial Court.

(2) We have heard learned Counsel for the parties. In RFAs No. 383/76 decided on 9.1.85 and 413/77 decided on 9.12.91 by two different Division Benches of this Court, the amount of compensation in respect of the lands of this village covered by the same award No. 45 of 1969-70 has been enhanced to Rs. 17,000.00 per bigha by giving a go by to the division of the land in various blocks. In view of these decisions, we need not set out the detailed facts of this appeal and discuss other merits. therefore, following our decision in the aforesaid appeals, we dismiss the appeal of the Union of India but allow the cross-objections and enhance the amount of compensation payable to the respondents at the rate of Rs. 17,000.00 per bigha uniformly in all the blocks. The respondents shall also be entitled to solarium at the rate of 15% of the said value of the land so fixed and interest at the rate of 6/o per annum from the date of their dispossession till the date of payment. The interest and solarium shall be payable only on the enhanced amount of compensation as awarded by us along with costs limited to Court fee only.