

Ramo Devi Vs. Union of India

Ramo Devi Vs. Union of India

SooperKanoon Citation : sooperkanoon.com/696811

Court : Delhi

Decided On : Jul-21-1992

Reported in : 48(1992)DLT521

Judge : B.N. Kirpal and; P.K. Bahri, JJ.

Acts : Land Acquisition Act, 1898 - Sections 4 and 6

Appeal No. : Regular First Appeal No. 261 of 1979

Appellant : Ramo Devi

Respondent : Union of India

Advocate for Pet/Ap. : Om Prakash and; S.P. Singh, Advs

Judgement :

B.N. Kirpal, J.

(1) An area of 24 Bigha 16 bids was belonging to one Net Ram, husband of Smt. Ramo, the appellant herein, situate in village Peepalthala was acquired under the provisions of the Land Acquisition Act, 1898 (for short the 'Act') for the planned development of Delhi. The land which was owned by late Net Ram comprised of Khasra Nos. 375, 376, 377, 379, 380, 381 and 385 and a Notification under Section 4 of the Act was issued on 10th May, 1966, Thereafter on 7th December, 1966 a Notification under Section 6 of the Act was issued and subsequently the

Land Acquisition Collector gave his award on 8th December, 1969.

(2) According to the aforesaid award, compensation Rs.2,000.00 per Bigha was offered to the appellant's husband. Reference under section 18 of the Act was filed. During the pendency of the reference, Shri Net Ram died and the appellant herein viz., Smt. Ramo who was the widow of Shri Net Ram, was brought on record. The Additional District Judge vide his Judgment dated 17th January, 1979 came to the conclusion that the market value of the land in question as on the date Section 4 Notification was issued, should be Rs. 3,000.00 per Bigha. It is this decision which is challenged before us.

(3) Learned Counsel for the appellant has submitted that compensation @ Rs. 20,000.00 per Bigha should be awarded. In support of this contention reliance has been placed by the Counsel on Ex. A. 6 which is a sale deed dated 23rd October, 1964 in respect of a plot of land in village Peepalthala itself. By the said sale deed, land measuring 360 sq. yards was sold for a total consideration of Rs. 9,000.00. The rate per sq. yards, therefore, came to be Rs. 251-. Basing himself on this instance of sale, the learned Counsel submits that Rs. 20,000.00 per Bigha should be awarded to the appellant.

(4) It is now well settled that instances of small plots of developed land cannot be a good guide while determining the market value of a large parcel of agricultural land like the present. The appellant's husband was the owner of 24 Bigha 16 bids was whereas the sale deed (Ex.A.6) was only in respect of a plot of land of 360 sq, yards. A recent pronouncement of the Supreme Court in this connection is that of Food Corporation of India v. Makhan Singh, Judgments Today 1992(4)SCI. It was, inter alia held in this case that smaller plots fetching higher prices cannot be compared with large tracts of land. In our opinion, therefore, no assistance can be derived by the Counsel from Ex. A.6.

(5) It was then contended by the learned Counsel that there have been numerous sale instances with regard to Village Bharola and on that basis, the market value of the appellant's land is quite high. We, however, find that the Additional District Judge has categorically held that there is a difference in location between the Villages in question viz., Peepalthala and Bharola. It is no doubt true that

Peepalthala and Bharola are adjoining villages but Bharola is nearer to the G.T. Road whereas Peepalthala is far away. Learned Counsel for the appellant has not been able to show us that the land in question is similar to the land in Village Bharola.

(6) Our attention has been drawn to the decision of a Division Bench of this Court in the case of *Jai Ram Singh v. Union of India*, : AIR1989 Delhi310 . This is a case concerning acquisition of land in Village Sahipur vide Notification dated 24th October, 1961. Village Sahipur is adjacent to Village Peepalthala, with which we are concerned. In that case reliance was sought to be placed on instances of sale concerning Villages Bharola and Azadpur. The Division Bench, however, held that instances of sale in villages Bharola and Azadpur were not relevant because of the preferential position of the said Villages Azadpur and Bharola as they abutted on the G.T. Road. It was also noted that near the revenue estate of Bharola there were colonies like Adarsh Nagar and Indra Nagar which had come into existence prior to the year 1959. The Court, however, after going through the evidence on record came to the conclusion that the market- price of the acquired land in Village Sahipur as on 13th November, 1959 should be Rs. 6,000.00 per Bigha. As another Notification under Section 4 in respect of the land in Village Sahipur had been issued on 24th October, 1961, this Court in *Jai Ram Singh's case (supra)* held that the market value of the land as on the later date should be Rs. 7,000.00 per Bigha. thereforee, an increase of Rs. 500.00 per bigha per year was contemplated by this Court. We find from the map that Peepalthala is in between Villages Sahipur and Bharola. Whereas village Bharola abuts on the main G.T. Road, both Sahipur and Peepalthala are at a distance. The nature of land in the revenue estates of Sahipur and Peepalthala appears to be similar. It has been held by a Division Bench of this Court in the case of *Union of India v. Bhagwan Singh*,. 1992 Delhi LT 205 that when two villages are adjoining and land in both is of similar nature then, compensation paid for land acquisition in one will guide the fixation of market value in another also. This being so it will be safe to rely upon the market value of the land as determined by this Court in *Jai Ram Singh's case (supra)* in respect of Village Sahipur. By adopting the increase in value of the land @ Rs. 500.00 per Bigha per year and also keeping in view that. the part of the land which was the subject matter of *Jai Ram Singh's case* was closer to the Abadi

whereas in the present case it is not so, it will be fair to determine the market value of the land in the present case at Rs. 9,500.00 per Bigha. In arriving at this value we have' taken into consideration the value of Rs. 7,000.00 per Bigha fixed in Jai Ram Singh's case in respect of Village Sahipur as on 24th October, 1961. By adding escalation in price @ Rs. 500.00 per Bigha per year, the figure would come to Rs. 9,500.00 per Bigha. This in our opinion would be the correct market value in respect of the land in question.

(7) We, therefore, partly allow the appeal and increase the amount of compensation to Rs. 9,500.00 per Bigha. The appellant will also be entitled to solarium and interest in accordance with law.

(8) The appellant will also be entitled to costs.

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