

Rampat and ors. Vs. Union of India

Rampat and ors. Vs. Union of India

SooperKanoon Citation : sooperkanoon.com/700113

Court : Delhi

Decided On : Jul-25-1995

Reported in : 1995RLR498

Judge : M.K. Sharma, J.

Acts : Land Acquisition Act - Sections 23

Appeal No. : Regular First Appeal No. 137 of 1987

Appellant : Rampat and ors.

Respondent : Union of India

Advocate for Pet/Ap. : Balraj Dewan and; M.K. Sharma, Advs

Judgement :

M K. Sharma, J.

(1) These appeals u/S. 54 of the Land Acquisition Act, 1894 (the Act) are directed against the impugned awards passed by the Addl. D.J. determining the compensation payable to the appellants/claimants for their land at Village Nilothi required for public purpose under notification dated 30.5.1979 issued u/S. 4 of Act,

(2) By the aforesaid notification the lands of the appellants/claimants were acquired. The L.A. Collector by his award No. 30/1982-83 awarded Rs. 4,000.00

for the disputed land. On a reference the Additional D J. through the impugned award enhanced the compensation at Rs. 6,000.00 per bigha.

(3) Being aggrieved by the aforesaid determination of compensation the appellants/ claimants have filed the present appeals in this court claiming Rs. 12,000.00 per bigha.

(4) Our attention has been drawn to a decision of (his court in R.F.A. 318/1987, Desh Ram vs. U.O.I. D./4.11.1992. The said appeal also related to land acquired in Village Nilothi by notification issued on 30.5.1979 u/S. 4 of the Act. In the said appeal this court in respect of similarly situated land having the similar potential value like the disputed land of the present appeal determined compensation at Rs. 10,250.00 per bigha.

(5) On careful consideration of the ratio of the aforesaid decision in the case of Desh Ram (supra), we find that the disputed land in the said appeal was also acquired by the same notification and governed by the same award as that of the lands involved in the present appeals. In State of Madras vs. A.N. Nanjiah 1976 Sc 651 the Supreme Court has held that if the land involved in the award is comparable land in reasonable proximity of the land the rates found would be reliable material. As the lands involved in the present appeal and that of the appeal in Desh Ram's case (supra) were acquired by the same notification and governed by the same award, in our opinion there is no reason as to why the same market value at Rs. 10,250.00 per bigha should not be determined for the acquired land of the present case as well, particularly in view of the fact that the lands involved in the present appeals have the same advantages and potential value with that of the land involved in Desh Ram's case (supra). Accordingly, we determine the market value of the lands acquired and involved in the present appeals at Rs 10,250.00 per bigha.

(6) In the result, the appeals are allowed to the extent indicated above. In addition to the market value calculated @ Rs. 10,250.00 per bigha the appellants shall also be entitled to solarium @ 30% of the market value and interest @ 9% per annum for the first year and @ 15% per annum thereafter till payment on the enhanced compensation. The appellants are also entitled to costs proportionate to the court

fee.

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