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Jagmal Sharma and Others Vs. Union of India

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Court : Delhi

Decided On : Jul-27-2001

Reported in : 94(2001)DLT487

Judge : Mr. Devinder Gupta and; Mr. Sanjay Kishan Kaul, JJ.

Acts : Land Acquisition Act, 1894 - Sections 4, 4(1), 6, 23(1-A) and 54

Appeal No. : RFA No. 143/2001

Appellant : Jagmal Sharma and Others

Respondent : Union of India

Advocate for Def. : Mr. S.S. Dalal, Adv.

Advocate for Pet/Ap. : Mr. Deepak Khosla, Adv

Disposition : Appeal allowed

Judgement :
ORDER

Devinder Gupta, J.

1. Claimants property situate in village Kondli, Delhi was notified under the provisions of the Land Acquisition Act, (hereinafter referred to as 'the Act') for being acquired for public purpose, namely, Planned Development of Delhi.

Notification under Section 4 of the Act was issued on 8.2.1973. It was followed by declaration under Section 6 of the Act dated 20.5.1974. Collector Land Acquisition made his award No.2/78-79 dated 8.5.1978 offering compensation at the rate of Rs.2100.00 per bigha. Feeling dissatisfied a reference was sought. The Reference Court by the impugned award dated 14.2.2001 held the claimants entitled to compensation at the rate of Rs.6,000/- per bigha. Still feeling dis-satisfied the claimants have sought further enhancement in this appeal filed under Section 54 of the Act.

2. We have heard learned counsel for the parties and been taken though the record.

3. A Division Bench of this Court in a bunch of regular first appeals filed under Section 54 of the Act had already determined amount of compensation payable for all categories of land situate in village Kondli, Delhi which were acquired for Planned Development of Delhi on the basis of two notifications issued under Section 4 of the Act on 8.2.1973 and 19.8.1976. As on 8.2.1973 the fair market value of all categories of land situate in village kondli was determined at Rs.22,850/- per bigha. Leading judgment was delivered in RFA No.585/87 (Bedi Ram v. Union of India and another). Compensation accordingly was directed to be paid. Neither from the record nor otherwise it has been shown to us that the claimants/appellants land was in any manner inferior in quality, location or otherwise, thereforee, there is no reason to discriminate the claimants/appellants in the matter of payment of compensation.

4. Consequently, following the decision in Bedi Ram's case (supra) the appeal is allowed with proportionate costs holding the claimants/appellants to be entitled to compensation at the rate of Rs.22,850.00 per bigha. In addition, the claimants/appellants are also held entitled to solarium at the rate of 30% and additional amount at the rate of 12% p.a. under Section 23(1-A) of the Act for the period commencing form the date of publication of the notification under sub-section ((1) of Section 4 of the Act to the date of award of the Collector or the date of taking over of the possession, whichever is earlier. Interest will be paid to the claimants on the enhanced amount of compensation at the rate of 9% p.a. for a

period of one year form the date of Collector taking possession and at the rate of 15% p.a. thereafter till payment. It is also directed that in case interest is ultimately held payable on solarium by the Supreme Court in a pending reference made to the larger bench by order dated 10.8.1998 in Kapur Chand Jain (dead) and others v. State Government of H.P. and others : AIR 1999 SC3470 , the claimant/appellant will also be paid interest accordingly.

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