

Om Prakash Vs. Uoi and Another

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Court : Delhi

Decided On : Jul-27-2011

Judge : P.K.Bhasin, J.

Appeal No. : RFA NO. 173 OF 2002

Appellant : Om Prakash

Respondent : Uoi and Another

Advocate for Def. : Mr. Sanjay Poddar; Mr. Ramesh Ray, Advs.

Advocate for Pet/Ap. : Mr. Deepak Khosla; Mr. Inder Singh, Advs.

Judgement :

1. The appellant has challenged the judgment and decree dated 6.12.2002 passed by the learned Additional District Judge in LAC No. 317/2001 whereby the market value of the land of the appellants in village Dallupura acquired by the Government pursuant to the notification dated 17th November, 1980 and award No. 79/1982-83 was enhanced from ` 12,500 per bigha, as awarded by the Land Acquisition Collector, to ` 3,45,000 per bigha only as against their claim of compensation @ ` 1000 per sq. yd. and he was also denied interest from 24.04.1997 - 27.09.2001.

2. It is not in dispute that the impugned judgment was passed by the Reference Court relying upon the decision of this Court in "Rattan Lal vs. Union of India",

RFA No. 338/94 decided on 24/08/01. Counsel for the appellant had submitted that filing of the appeal by the appellant was necessitated because the judgment of this Court in Rattan Lal's case had been challenged by the Government as well as land owners of village Dallupura before the Hon'ble Supreme Court. The land owners were asking for further enhancement while the Government was asking for reduction in the market value of the acquired lands but the Hon'ble Supreme Court has set aside Rattan Lal's judgment of this Court whereby the market value of the lands in village Dallupura had been fixed at `3,45,000 per bigha and has reduced the market value to ` 76,550/-per bigha vide its judgment dated 3rd August, 2004 reported as "Delhi Development Authority vs. Bali Ram Sharma & Ors.", (2004) 6 Supreme Court cases 533. Counsel for the appellant and Union of India had also submitted that in view of the said judgment of the Hon'ble Supreme Court the market value of the appellant's land has already been fixed at ` 76,550 per bigha in the cross-appeal of the respondent - UOI (being RFA No.925/2003).

4. Learned counsel for the appellant, however, had submitted that the learned trial Court was not justified in declining the relief of interest on the enhanced compensation for the period during which the reference proceedings had remained stayed sine die and that relief at least should be given by this Court. However, this prayer of the appellant cannot be accepted since he himself had got his reference proceedings before the trial Court stayed sine die and the Government cannot be burdened with the liability of interest for the delay in disposal of the reference proceedings caused by the appellant himself.

5. In view of the afore-said, this appeal is dismissed.

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