

A PEHLAD SINGH AND ANR. ETC.

v.

UNION OF INDIA

NOVEMBER 21, 1995

B [K. RAMASWAMY AND K.S. PARIPOORNAN, JJ.]

*Land Acquisition Act, 1894 :*

C *Land Acquisition—Compensation—Determination of—Price for small extent of land cannot form basis for large extent of land.*

Land measuring 8.40 acres was acquired out of which the land belonging to the appellant was in small extent. The appellant was awarded compensation @ Rs. 10 per sq. yard. He filed an appeal seeking higher compensation @ Rs. 12 per sq. yard.

D Dismissing the appeal, this Court

E HELD : On the facts, evidence relied in *Justice Bhandari's* case is a sale deed of 560 square yards in which admittedly the market-value was fixed at Rs. 12 per sq. yard. Since it is a small extent of land, which formed the basis of the case to determine compensation at Rs. per sq. yard, the same price would not commend when large extent of land is offered for sale to a willing purchaser. Keeping that yard-stick in view, it is not a fit case for further increase. [533-D-E]

F *Justice A.S. Bhandari v. Union of India*, LPA No. 81 of 1979 decided on 1.5.1980 by Delhi High Court; referred to.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 128 of 1985 Etc.

G From the Judgment and Order dated 23.7.84 of the Delhi High Court in R.F.A. No. 470 of 1977.

Prem Prasad Juneja for the Appellants.

C.V.S. Rao for the Respondents.

H The following Order of the Court was delivered :

The notification under section 4(1) of the land Acquisition Act, 1894 (for short, 'the Act') was published on March 8, 1957 for planned development of Delhi. The lands acquired for the development are 8.40 acres out of which the land of appellants are small in extent. In *Justice A.S. Bhandari v. Union of India*, LPA No. 81 of (1979) decided on May 1, 1980, the Division Bench of the High Court determined the market-value at Rs. 10 per square yard, i.e., Rs. 10,000 per bigha. The appellant, aggrieved by that, filed this appeal. The only question is whether it is a fit case to enhance the compensation to Rs. 12 per square yard, i.e., Rs. 12,000 per bigha as claimed by the appellant. Shri Juneja, learned counsel appearing for the claimants contended that the lands in *Justice Bhandari*' case are brick-kiln land while the lands of appellant are agricultural lands. Therefore, the appellants are entitled to higher compensation. It is further contended that the notification under section 4(1) was quashed in subsequent proceedings which was ultimately upheld on November 8, 1968. No further notification under section 4(1) was published. Had it been so published, further increase of the compensation at Rs.12 per square yard would be just and fair compensation. Having given consideration to the contention of Shri Juneja, we find it difficult to accept the same. One the facts, evidence relied in *Justice Bhandari's* case is a sale deed of 560 square yards in which admittedly the market-value was fixed at Rs. 12 per square yard. Since it is a small extent of land, which formed the basis of the case to determine compensation at Rs. 10 per square yard, the same price would not commend when large extent of land is offered for sale to a willing purchaser. Keeping that yard- stick in view, we think that it is not a fit case for further increase.

The appeals are accordingly dismissed but without costs.

T.N.A.

Appeal dismissed.