

A

MIR SINGH AND ORS.

v.

UNION OF INDIA

NOVEMBER 21, 1995

B

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

Land Acquisition Act, 1894 :

C

Award of compensation—Uniform rate determined by High Court for all lands—Held, no justification to grant higher rate in respect of some of the lands.

For certain lands acquired the compensation was ultimately determined by the High Court @ Rs. 12 per sq. ft. Dissatisfied the appellants have preferred the present appeal.

D

It was contended that the decision based on which the High Court determined the compensation @ Rs. 12 per sq. ft. related to 1959 notification and since in the present case the notification was of 1961, the appellants were entitled to higher compensation due to lapse of time.

E

Dismissing the appeal, this Court

F

HELD : The High Court has awarded the uniform rate to all the lands at Rs. 12,000 per bigha, i.e., Rs. 12 per sq. yd. There is no justification to distinguish the other cases from that of the appellants to grant enhanced compensation. [539-B-C]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 282 of 1985.

G

From the Judgment and Order and Decree dated 23.7.84 of the Delhi High Court in R.F.A. No. 16 of 1978.

P.P. Juneja for the Appellants.

Ms. Shashi Kiran for B.K. Prasad for the Respondent.

H

The following Order of the Court was delivered :

In this case, notification under section 4(1) of the Land Acquisition Act, 1954, acquiring a large extent of land of 966 bighas was published on October 24, 1961. Ultimately, the High Court granted @ Rs. 12 per sq. yd. i.e., Rs. 12,000 per bigha. The High Court followed the decision in *Sanwalia & Ors. v. Union of India*. It is stated by Mr. P.P. Juneja, learned counsel for the appellants, that the notification of the lands covered in the *Sanwalia*' case is July 13, 1959. Since the notification of the appellants' land is of October 19, 1961, they are entitled to higher compensation due to lapse of time. We find it very difficult to accept the contention. The High Court has awarded the uniform rate to all the lands at Rs. 12,000 per bigha, i.e., Rs. 12 per sq. yd. We do not find any much justification to distinguish the other cases from that of the appellants to grant enhanced compensation. The appeal is, therefore, dismissed. No costs.

G.N.

Appeal dismissed.