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SANT RAM AND ORS

v.

UNION OF INDIA

NOVEMBER 21, 1995

B

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

Land Acquisition Act, 1894 :

C

Compensation for lands acquired—Determined for the entire village at a particular rate—No justification for enhancing the compensation in respect of a portion of the same lands on mere pursuing the remedy by way of appeal.

D

In respect of certain land acquired, the Collector determined the compensation @ Rs. 4, 280 per Bigha. The Additional Judge enhanced the compensation to Rs. 6,420 per bigha. The High Court further enhanced it in appeal by judgment and decree dated July 10, 1984 to Rs. 12,000 per bigha. Still dissatisfied the appellants preferred the present appeals.

Dismissing the appeals, this Court

E

HELD : For the lands in Shahbad Mohammedpur village which is now part of the lands in the present case, compensation was determined @ Rs. 12 per sq. yd., i.e., Rs. 12,000 per bigha. The lands are claimed to be no par with the lands in Nangal Dewat. But when the lands in the entire village has been determined at Rs. 12 per sq. yd., there is no justification in further increasing the compensation to the appellants' lands on mere pursuing the remedy by way of appeal. [541-G-H]

F

Gokal v. State of Haryana, [1992] Supp. 2 SCC 69 and Jailal & Ors. v. Union of India, CA No. 830/81 decided by Supreme Court on February 23, 1981, referred to.

G

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 241 of 1985 Etc.

H

From the Judgment and Order dated 10.7.84 of the Delhi High Court in R.F.A. No. 46 of 1979.

P.P. Juneja for the Appellants. A

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

The following Order of the Court was delivered :

C.A. No. 241/85 B

Notification under section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') was published in the Union Gazette on February 21, 1973. The Collector in his award dated May 25, 1974 determined the compensation @ Rs. 4,280 per Bigha rounded to Rs. 50 per sq. yd. The Additional Judge by his award and decree dated August 8, 1978, enhanced the compensation to Rs. 6,420 per bigha. The High Court further enhanced it in appeal by judgment and decree dated July 10, 1984 to Rs. 12,000 per bigha. Still dissatisfied therewith, the Appellants filed this appeal by special leave. C D

Shri P.P. Juneja, learned counsel appearing for the appellants contends that this Court in *Gokal v. State of Haryana*, [1992] Supp 2 SCC 69 had taken judicial notice of constant rise in the prices and fixed the market value at different rates depending upon the year of acquisition. The appellants' lands are also situated within the master plan of the Delhi Development Authority. They are also entitled to compensation @ Rs. 13 per sq. yd. In *Jailal & Ors. v. Union of India*, C.A. No. 830/81 decided on February 23, 1981, this Court found that the market-value of Nangal Dewat Notified under section 4(1) published on December 3, 1971 would fetch @ Rs. 13 per sq. yd. E F

Having given consideration to the persuasive arguments of Mr. P.P. Juneja, we think it is difficult to accept the contention. It is seen that for the lands in Shahbad Mohammedpur village is now part of the lands in this case, compensation was determined @ Rs. 12 per sq. yd. i.e., Rs. 12,000 per bigha. The lands are claimed to be on par with the lands in Nangal Dewat. But when the lands in the entire village has been determined at Rs. 12 per sq. yd., we do not think we would be justified in further increasing the compensation to the appellants' lands on mere pursuing the remedy by way of appeal. G H

A The appeal is accordingly dismissed. No costs.

IN C.A. /95 (@ SLP (C) No. 14912/89)

Leave granted.

B In view of the above judgment made in C.A. No. 241 of 1985, the appeal is dismissed. No costs.

G.N.

Appeals dismissed.