

## **Delhi Development Authority vs Bali Ram Sharma And Ors. on 3 August, 2004**

**Equivalent citations: AIR2004SC4114, 2004(6)ALT3(SC), 2004(3)AWC2579(SC), 2004(4)CTC223, 112(2004)DLT880(SC), JT2004(6)SC422, 2004(6)SCALE452, (2004)6SCC533, (2004)3UPLBEC2541, AIR 2004 SUPREME COURT 4114, 2004 (6) SCC 533, 2004 AIR SCW 4538, (2004) 6 JT 422 (SC), 2004 (5) SLT 3, 2004 (6) JT 422, 2004 (2) HRR 382.2, 2004 (6) SCALE 452, 2004 (3) LRI 604, (2004) 2 CLR 376 (SC), (2004) 4 CTC 223 (SC), 2004 HRR 2 382.2, 2004 (7) SRJ 293, (2004) 2 CPR 118, (2005) 58 ALL LR 12, (2004) 112 DLT 880, (2004) 6 SUPREME 26, (2004) 6 SCALE 452, (2004) 6 ANDH LT 3, (2004) 3 ALL WC 2579, (2004) 3 CURCC 163, (2004) 3 LANDLR 505, (2004) 4 RECCIVR 235, (2004) 4 ICC 80, (2004) 2 LACC 471, (2004) 21 INDLD 331, (2004) 3 CPJ 83**

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**Bench: Shivaraj V. Patil, B.N. Srikrishna**

### **JUDGMENT**

Shivaraj V. Patil J.

1. In Special Leave Petitions delay condoned and leave granted.

Civil Appeal Nos. 6767, 6768, 6769-6771, 6774, 6773, 6775, 6778, 6777, 6776, 6780-84, 6779, 6786, 6785, 6787 of 2002, Civil Appeal Nos. 4886, 4894, 4893, 4900, 4892, 4901, 4889 & 4887 of 2004 (@ Special Leave Petition (C) Nos. 15711 of 2004 (CC 6023/2002, 22439 of 2002, 4873, 9157, 12247, 11885, 11888 and 11711 of 2003), Civil Appeal Nos. 2297, 5266, 6923, 8515, 8516, 8932, 8933, 8936, 8938, 8934 & 8935 of 2003 and Civil Appeal Nos. 31 & 32 of 2004 and Civil Appeal No. 4902 of 2004 (@ Special Leave Petition (C) No. 2664 of 2004) \*\*\*\*\*

2. A notification dated 17.11.1980 was issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') for acquisition of vast lands in three villages, viz., Kondli, Gharoli and Dallupura for planned development of Delhi. The Land Acquisition Collector fixed market value of the lands in question on the basis of sale transactions that took place during the relevant period, @ Rs. 8,500/- per bigha. The claimants were not satisfied with the amount of compensation fixed by the Land Acquisition Collector and they sought reference under Section 18 of the Act. The Additional District Judge, Delhi (reference court), by judgment, enhanced the compensation fixing the market value @ Rs. 76,550 per bigha. Still not satisfied the claimants filed appeals before the High Court of Delhi. The High Court allowed their appeals fixing the market value @ Rs. 345/- per sq. yard, which

amounts to Rs. 3,45,000/- per bigha. While doing so the High Court took into consideration post 4(1) Notification transactions of other lands situated away from village Kondli and schedule of rates notified by the Central Government in respect of lands in the locality. The Union of India and Delhi Development Authority have filed these appeals aggrieved by the enhanced rate of compensation made by the High Court in the impugned judgments.

3. The learned senior counsel, appearing for the appellants, argued that the High Court was not right and justified in enhancing the compensation from Rs. 76,550/- per bigha to Rs. 3,45,000/- per bigha, relying on post 4(1) Notification transactions and also Government schedule of rates, which were not accepted in earlier cases covering the other lands under the very Notification; the High Court also was not right in not following the decision of this Court in *Karan Singh and Ors. v. Union of India*, covering the lands acquired under the very same Notification, particularly, when the evidence and material placed on record in that case were almost identical. According to the learned counsel it may not be necessary to consider the evidence, material and the contentions of the parties again in these cases when the matter is concluded by the judgment of this Court in *Karan Singh and Ors. (supra)*, which affirmed the judgment of the High Court in fixing the market value of the lands @ Rs. 76,550/- per bigha.

4. Per contra the learned counsel for the respondents-claimants argued at length to justify the amount of compensation awarded under the impugned judgments. The learned counsel sought to distinguish the case of *Karan Singh* aforementioned on the ground that the evidence in these cases is different and the lands were not comparable. When confronted with the order made by the reference court in these very cases that the evidence and material placed on record in *Karan Singh's* case are almost identical or similar to these cases on hand, the learned counsel were not in a position to pursue their arguments any further. In the order in LAC No. 144/90 the reference court in *Karan Singh and Ors. v. Union of India* referred to the case of *Bali Ram Sharma*, who is respondent in Civil Appeal No. 6767 of 2002, and observed that the evidence produced in *Karan Singh's* case is exactly similar to evidence lead in LAC No. 142/90 titled as *Bali Ram Sharma v. Union of India*. This is the position in respect of other appeals also. This being the position, the learned counsel for the respondents were not in a position to say anything further. They were not able to substantiate that the case of *Karan Singh (supra)* does not apply to these appeals.

5. Having regard to the undisputed facts and the material placed on record and in the light of judgment of this Court in *Karan Singh's* case, it is not possible for us to take a different view as regards market value of the lands covered by the same Notification issued under Section 4(1) of the Act. Under these circumstances these appeals are entitled to succeed. They are accordingly allowed and the impugned judgments are modified by reducing the amount of compensation from Rs. 345/- per sq. yard (amounting to Rs. 3,45,000/- per bigha) to Rs. 76,550/- per bigha. The impugned judgments stands modified accordingly so far they concern to fixation of market value making it clear that the respondents are entitled to statutory benefits available under the Act based on the amount of compensation as modified above. No costs.

Civil Appeal No. 6772 of 2002, Civil Appeal Nos. 4885, 4890, 4888, 4891, 4895 & 4899 of 2004 (@ Special Leave Petition (C) No. 15709 of 2004 (CC 6031/2002), 11882, 11336, 11714, 11715 and 11727

of 2003) and Civil Appeal No. 135 of 2004.

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6. The lands, which are the subject-matter of these appeals are acquired for the same purpose as in the aforementioned appeals, but the Notification under Section 4(1) of the Act was issued on 25.2.1981, i.e., subsequent to 4(1) Notification dated 17.11.1980. Obviously, there would be escalation of prices in regard to these lands. Hence, we think it just and appropriate to give 5% increase in the market value in respect of the lands in these appeals. In the result these appeals are also allowed and the impugned judgments are modified by reducing the amount of compensation from Rs. 345/- per sq. yard (amounting to Rs. 3,45,000/- per bigha) to Rs. 76,550/- per bigha + 5% escalation. The respondents are entitled to statutory benefits available under the Act based on the amount of compensation as modified above. No costs.

7. The land, which is the subject-matter of this appeal is acquired for the same purpose as in the aforementioned appeals, but the Notification under Section 4(1) of the Act was issued on 24.11.1981, i.e., subsequent to 4(1) Notification dated 17.11.1980. Obviously, there would be escalation of price in regard to this land. Hence, we think it just and appropriate to give 10% increase in the market value in respect of the land in this appeal. In the result this appeal is also allowed and the impugned judgment is modified by reducing the amount of compensation from Rs. 345/- per sq. yard (amounting to Rs. 3,45,000/- per bigha) to Rs. 76,550/- per bigha + 10% escalation. The respondent is entitled to statutory benefits available under the Act based on the amount of compensation as modified above. No costs.