

Delhi High Court

Union Of India vs Khehri And Ors. on 1 August, 1994

Equivalent citations: 1994 (30) DRJ 633

Author: D Gupta

Bench: D Wadhwa, D Gupta

JUDGMENT Devinder Gupta, J.

(1) This is an appeal under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) against the Award dated 21.7.1970 passed by Shri Jagdish Chandra, Additional District Judge, Delhi determining the compensation with respect to respondents' land situated in Mohammadpur Munirka.

(2) The respondents' property situated in the aforementioned village was acquired for Planned Development of Delhi through Notification dated 24.10.1961 issued under Section 4 of the Act. The Collector, Land Acquisition, determined the amount of compensation at Rs.3,000.00 per bigha. On reference the amount was enhanced to Rs.5,500.00 per bigha. The appellant has now come up in appeal against this Award. At the time of hearing, none appeared for the appellant.

(3) Counsel for the respondents-objectors has drawn our attention to a judgment in Mrs. Saraswati K.P.S. Menon Vs. Union of India (decided on 9.3.1977) which was followed in Rfa 70/71 titled as Khushia and another Vs. Union of India and in Union of India Vs. Shri Kehri and others (decided on 21.4.1992). These decisions pertain to the determination of compensation with respect of land situated in the same village, namely, Mohammadpur Munirka which were also acquired under the same notification dated 24.10.1961 for the same public purpose. In Kehri's case (supra) directions as contained in Khushia and another's case were made and claimants were held entitled to compensation at the rate of Rs.12,000.00 per bigha. There is no reason why the claimants whose property has also been acquired under the same notification and who have filed cross-objections in this appeal for further enhancement of compensation be also not treated equally by allowing them compensation at the same rate.

(4) We accordingly dismiss the appeal and allow the cross-objections with costs limited to court fee only holding the claimants-respondents to be entitled to market value of the land at the rate of Rs.12,000.00 per bigha. In addition to the market value the claimants are also awarded solarium at the rate of 15 per cent and interest at the rate of 6 per cent per annum from the date of dispossession till payment. Whatever has already been paid will be deducted.

(5) As more than three years elapsed between the notification under Section 4(1) of the Act, 1894 (the Act) and the declaration under Section 6 the claimants shall also be paid interest at the rate of 6 per cent per annum on the market value of the land under Section 4(3) of the Land Acquisition (Amendment & Validation) Act, 1967, provided there is no overlapping in the payment of interest under Section 28 of the Act and Section 4(3) of the Amendment Act.