

PETITIONER:
NAWAL SINGH & ORS. ETC. ETC.

Vs.

RESPONDENT:
UNION OF INDIA ETC. ETC.

DATE OF JUDGMENT 25/07/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC Supl. (3) 315 JT 1995 (6) 100
1995 SCALE (4) 695

ACT:

HEADNOTE:

JUDGMENT:

THE 25TH DAY OF JULY, 1995

Present:

Hon'ble Mr. Justice K. Ramaswamy
Hon'ble Mr. Justice K. S. Paripoornan
Mr. U.N.Bachawat and Mr. K.Madhava Reddy, Sr. Advs.
Mr. Ranbir Yadav, Mr. P. Gaur, Mr. Rishi Kesh, Mrs.
Hemantika Wahi,
Advs., (Mr. Manoj Prasad, Mr. H.M.Singh, Mr. Anis Ahmed
Khan,
and Mr. J.D.Jain, Advs. (Not Present) Advs. with them for
the appearing parties.

ORDER

The following Order of the Court was delivered:
Nawal Singh & Ors. etc. etc.

Vs.

Union of India etc. etc.

And

C.A. NOS 2525, 2524, 2970, 2823, 1895/80, 1577, 3112
1376/81 3151/80 3758/82 1784/81 1375/81 AND 7048/95
(Arising out of SLP (C) No. 2161/81)

ORDER

C.A. No.2130 of 1980

Notification under s.4(1) of the Land Acquisition Act was published on November 13, 1959 acquiring 1876 Bighas 9 Biswas land situated in Jwalaharior planned development of Delhi. The Land Acquisition Collector classified the lands as A,B, C block and awarded @ Rs. 1400/- and Rs.1000/- per bigha respectively. On reference under s.18 of the Act, the Additional District Judge by his Award and Decree dated September 8, 1979 further enhanced the compensation to Rs.4250/- 3200/- and 2150/- per bigha respectively. The High Court, on appeal, further enhanced the compensation to Rs.5250/- 4000/- and 3000/- respectively. Not being satisfied with the enhanced compensation awarded by the High Court, the claimants have filed these appeals under s.54 of

the Act claiming enhanced compensation @ Rs.9.000/- per bigha.

The High Court found that there are no sale transactions in the village Jwalahari other than one sale transaction in village Madipur which is said to be adjacent to the village Jwalahari that sale deed was dated April 20, 1959 just before the Notification. An extent of 1472.22 sq. yards was sold in Khasra No.828 for a consideration of Rs.7726/- which worked out at Rs.5250/- per bigha. Based thereon, the High Court has enhanced the compensation. It is now a settled principle that the price of a small extent of land cannot form the sole basis for fixation of higher compensation when a large track of land is acquired. Since the State did not file any appeal, we need not go into the correctness of the finding recorded by the High Court. Suffice it to state that there is no other evidence on record for us to further enhance the compensation.

It is next contended that the High Court having made a distinction between the owner and the mortgagee and enhanced 25% extra compensation to the owner, committed a grave error of law in not awarding the same to the appellants. We find no discernible principle made by the High Court to further enhance 25% more to the owner while awarding the market value to the mortgagee. Under these circumstances, we do not find any legal principle warranting further enhancement of 25% extra compensation. The appeals are accordingly dismissed but, in the circumstances, without costs.

All application for substitutions consolidation and reduction of security are allowed.

C.A. Nos. 2525, 2524, 2970, 2823, 1895/80, 1577, 3112, 1376/81 3151/80 3758/82 1784/81 1375/81 and C.A.

Leave granted in S.L.P. No. 2161 of 1981.

Following the order made just now in C.A. 2130/80 these appeals shall stand dismissed. NO costs.