

PETITIONER:
PAIMDER SINGH & ORS. ETC. ETC.

Vs.

RESPONDENT:
UNION OF INDIA ETC. ETC.

DATE OF JUDGMENT 08/08/1995

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

CITATION:
1995 SCC (5) 310 1995 SCALE (4) 726

ACT:

HEADNOTE:

JUDGMENT:

WITH
S.L.P. Nos. 2397, 2620 & 2622 OF 1990
O R D E R

The notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short, 'the Act') acquiring a large extent of land for development of Delhi city was published on 6th April, 1964. The Land Acquisition Officer awarded compensation @ Rs.5,000/- and Rs. 4,500/- per bigha by his award No.87 of 1980-81. On reference, the Civil Court, viz., the Additional District Judge, enhanced it by his award and decree dated 30th August, 1983 to Rs.7,260/- and Rs.7,000/- per bigha respectively. On appeal, the High Court by the impugned judgment dated 22nd August, 1989 made in R.F.A. No.52/89 and batch uniformly enhanced the market value to Rs.12,000/- per bigha. Feeling aggrieved, this petition has been filed for further enhancement to Rs.25,000/ per bigha.

The learned counsel for the petitioners states that these lands relate to village Madanpur Khadar. He contends that for the adjacent lands in village Badarpur and Molarband, the Reference Court and the High Court enhanced the compensation to Rs.43,000/- per bigha etc. Therefore, the High Court was not justified in confining the market value to Rs.12,000/- per bigha.

We have gone through the judgments in those cases. Reliance was placed on the circular, issued obviously under Section 48 of the Stamp Act, by the Central Government fixing the market value for the purpose of registration at Rs.60/- per sq. yard. This Court has considered the entire gamut of the operation of the relevant provisions of Stamp Act and S.23 (1) of the Act and held that the fixation by the Government of the amount under Stamp Act for fiscal purpose bears no relevance to determine the market value under Section 23 (1) of the Act. The claimant aliunde need to establish the prevailing market value as on the date of the notification under Section 4 (1) by adduction of

evidence to prove the acquired land and the land covered by sale transactions bear similar or same potentialities or advantageous features. The courts below have relied only on the circular issued by the Government for fiscal purpose, viz., for stamp duty. The contra view taken by the High Court in that behalf is clearly illegal and the same cannot form basis for further enhancement. De hors the above judgment, there is no other evidence to enhance further compensation.

Learned counsel for the petitioners also relied on the judgment of the High Court in relation to the motification dated 5th July, 1973 in which the compensation was awarded @ Rs.68,000/- per bigha for village Tughlakabad. That is also founded upon the circular issued by the Government on 26th March, 1966 referred to earlier and relates to a notification issued after about 10 years of the notification at hand. So this judgment also renders little assistance.

Accordingly, the special leave petitions are dismissed.