

PETITIONER:

SMT. INDIRA SOHAN LAL (DEAD) BY LRS.

Vs.

RESPONDENT:

UNION OF INDIA

DATE OF JUDGMENT: 25/10/1996

BENCH:

K. RAMASWAMY, S.P. KURKUKAR

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

We have heard learned counsel on both sides.

Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the 'Act') was published on January 23, 1965 acquiring about 14,000 bighas of land in Kalkaji, Tughalakabad for planned development. The dispute in the present proceedings relates to 38 bighas, 5 biswas of the land. The District Collector awarded compensation @ Rs. 700/- per bigha for lands with deep pits of 8 to 10 ft. The reference Court enhanced the compensation @ Rs. 4000/- per bigha. The High Court enhancing the compensation @ Rs. 7,000/- per bigha for land with pits and for the levelled hand, Rs. 17,000/- per bigha and deducted 1/3rd towards the development charges and determined the compensation accordingly.

Shri Mukul Mudgal, learned counsel for the appellant, contended that the High Court having enhanced that compensation to Rs. 40,000/- per bigha for the levelled up land in a similar case, compensation @ Rs. 7,000/- per bigha for the land with pits of a depth of 8 to 10 feet is illegal. It is contended, on the other hand, by the learned counsel for the respondents that the compensation awarded by the High Court @ Rs. 7,000/- per bigha for the land with deep pits of 8 to 10 feet is just and adequate. There is no warrant to enhance the compensation. He also states that the High Court had granted compensation for the levelled up land @ Rs. 40,000/- per bigha and deducted 1/3 but the lands in question is not on the same parity. The lands are clearly required to be developed to bring on par with levelled land and huge amount is required for development. Under those circumstances, there is no warrant to further enhance the compensation.

In view of the rival contentions, the question for consideration is: whether the grant of Rs. 7,000/- per bigha for the land, admittedly, with the deep pits of an extent of 8 to 10 feet requires further enhancement of the compensation? It is not in dispute that the compensation granted @ Rs. 40,000/- per bigha was only in respect of a small piece of land. In all the other case compensation @

Rs. 7,000/- per bigha of the land in which there are deep pits of the depth 8 to 10 feet has been awarded and become final. The lands require development and expenditure in that behalf is needed. The High Court has considered all the relevant facts and found that uniform rate of Rs.7,000/- per bigha for the land with deep pits of 8 to 10 feet depth would be the proper compensation. In the absence of any compelling material, nor the High Court refused to advert to, we cannot enhance the compensation from that awarded by the High Court which was not challenged by the Union of India. Under these circumstances, we do not find any circumstance warranting any interference.

The appeal is accordingly dismissed. No costs.

JUDIS