

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% LA.APP.NO. 23 of 2005

+ Date of Decision: 8th April, 2011

SWARN SINGHAppellant
! Through: Mr. Shasinder Tripathi, Mr. S.K. Verma
& Mr. R.K. Pandey, Advocates.

Versus

\$ UOI & ANR.Respondents
^ Through: Mr. Ramesh Ray, Advocate for UOI/R-1
Mr. Puneet Taneja, Advocate for NTPC/R-2

WITH

% LA.APP. NO.27 of 2005

ARJUN SINGHAppellant
! Through: Mr. Shasinder Tripathi, Mr. S.K. Verma
& Mr. R.K. Pandey, Advocates.

Versus

\$ UOI & ANR.Respondents
^ Through: Mr. Ramesh Ray, Advocate for UOI/R-1
Mr. Puneet Taneja, Advocate for NTPC/R-2

WITH

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LA.APP. NO. 46 of 2005

NIADAR SINGH THROUGH LRs.Appellants
! Through: Mr. Shasinder Tripathi, Mr. S.K. Verma
& Mr. R.K. Pandey, Advocates.

Versus

\$ **UOI & ANR.**Respondents
^ Through: Mr. Ramesh Ray, Advocate for UOI/R-1
Mr. Puneet Taneja, Advocate for NTPC/R-2

WITH

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LA.APP. NO. 48 of 2005

TAHLA SINGHAppellant
! Through: Mr. Shasinder Tripathi, Mr. S.K. Verma
& Mr. R.K. Pandey, Advocates.

Versus

\$ **UOI & ANR.**Respondents
^ Through: Mr. Ramesh Ray, Advocate for UOI/R-1
Mr. Puneet Taneja, Advocate for NTPC/R-2

WITH

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LA.APP. NO. 49 of 2005

SMT. KRISHNAAppellant
! Through: Mr. Shasinder Tripathi, Mr. S.K. Verma
& Mr. R.K. Pandey, Advocates.

Versus

\$ **UOI & ANR.**Respondents
^ Through: Mr. Ramesh Ray, Advocate for UOI/R-1
Mr. Puneet Taneja, Advocate for NTPC/R-2

WITH

% **LA.APP. NO. 50 of 2005**

THAKUR SINGHAppellant
! Through: Mr. Shasinder Tripathi, Mr. S.K. Verma
& Mr. R.K. Pandey, Advocates.

Versus

\$ **UOI & ANR.**Respondents
^ Through: Mr. Ramesh Ray, Advocate for UOI/R-1
Mr. Puneet Taneja, Advocate for NTPC/R-2

WITH

% **LA.APP. NO. 51 of 2005**

MOHAR SINGHAppellant
! Through: Mr. Shasinder Tripathi, Mr. S.K. Verma
& Mr. R.K. Pandey, Advocates.

Versus

\$ **UOI & ANR.**Respondents
^ Through: Mr. Ramesh Ray, Advocate for UOI/R-1
Mr. Puneet Taneja, Advocate for NTPC/R-2

AND

% **LA.APP. NO. 53 of 2005**

UJAGAR SINGH THROUGH LRsAppellants
! Through: Mr. Shasinder Tripathi, Mr. S.K. Verma
& Mr. R.K. Pandey, Advocates.

Versus

\$ **UOI & ANR.**Respondents

^ Through: Mr. Ramesh Ray, Advocate for UOI/R-1
Mr. Puneet Taneja, Advocate for NTPC/R-2

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the judgment?(No)
2. To be referred to the Reporter or not?(No)
3. Whether the judgment should be reported in the digest?(No)

JUDGMENT

P.K.BHASIN, J

These eight appeals arise out of the judgments of the learned Reference Court in respect of different References made by the Land Acquisition Collector under Section 18 of the Land Acquisition Act('the Act' in short) in respect of the lands belonging to the appellants in village Jaitpur acquired vide Award No.1/1994-95 pursuant to notification dated 16/10/1992 under Section 4 of the Act.Since same points were involved in all the appeals they were heard together and now are being disposed of also together by this common judgment.

2. Vide award no.1/94-95 dated 26/03/93 the Land Acquisition Collector(LAC) fixed the market value of the acquired lands of the appellants herein in village Jaitpur @ Rs.96,875/- lacs per bigha. Dissatisfied with the said land rate fixed by the LAC, the landowners-

appellants got references made to the District Judge under section 18 of the Act. The learned Reference Court assessed the market value of the lands in question at Rs.6,51,000/- per acre by giving increase @ 12% p.a. upon the market value of the land in the same village fixed in respect of earlier notification dated 02/06/89 at Rs.4,65,000/- per acre which was treated as the base rate. The learned Reference Court did not accept the sale deeds/awards/judgements relied upon by the appellants pertaining to other villages on the ground that those villages were far away from village Jaitpur.

3. The appellants were not satisfied with the market value of their lands determined by the learned Reference Court also and so they approached this Court by filing the present appeals under Section 54 of the Act and have claimed fixation of the market value of their acquired lands @ Rs.300/- per sq.yd.

4. It was submitted by the learned counsel for the appellants that the learned Reference Court was not justified in discarding the judgments/awards/sale deeds in respect of other villages. However, when asked to show from the records as to how the findings of the Reference Court that the villages involved in those cases were miles away from the village involved in the present appeals were wrong the counsel could not

point out anything to the contrary. Therefore, I find no reason to upset the decision of the learned Reference Court in not placing any reliance on the documentary evidence of market rates of lands of other villages produced by the appellants on the ground that those villages were miles away from Jaitpur.

5. It was then submitted by the learned counsel for the appellants that in any event the reference court should have given increase in the market value fixed @ Rs. 5,20,800/- per acre in respect of the lands acquired in Jaitpur village vide subsequent notification dated 30/05/90. Learned counsel for the respondents did not dispute the fact that the market value of the land in village Jaitpur acquired vide notification dated 30th May, 1990 was fixed at Rs. 5,20,800/- per acre by the Reference Court. Therefore, taking judicial notice of the fact that during the era of nineties land rates in Delhi were rising phenomenally, the learned Reference Court should have taken the market value of Rs. 5,20,9800/- as the base rate while fixing the market value in respect of notification dated 16/10/92 by giving 12% increase thereon. In that way, the market value of the land of the appellants works out to be Rs. 6,69,228/- per acre.

6. These appeals, therefore, stand disposed of by fixing the market value of the land of the appellants in these appeals at Rs. 6,69,228/- per

acre on which the appellants shall also be entitled to all the statutory benefits which already stand granted to them by the learned Reference Court. The parties are left to bear their own costs.

P.K. BHASIN,J

April 08, 2011