

PETITIONER:
CHANDER BHAN AND OTHERS

Vs.

RESPONDENT:
UNION OF INDIA

DATE OF JUDGMENT: 03/11/1998

BENCH:
V.N.KHARE

ACT:

HEADNOTE:

JUDGMENT:
JUDGMENT

V.N.Khare.J.

Leave granted.

This set of Civil Appeals which is directed against the judgment of a Division Bench of Delhi High Court relates to appellants' claim for enhancement of compensation with regard to acquisition of their land situated in village Rangpuri @ Malikpur Kohi, Delhi. Since common questions of fact and law are involved in this set of appeals, we propose to decide them by a common judgment.

A large extent of land in village Rangpuri near Palam Airport was notified for acquisition vide notification dated 3.12.1971 issued under Section 4 of the Land Acquisition Act, 1984 (hereinafter referred to as the 'Act') for planned development of Delhi. Simultaneously, notification dated 3.12.1971 were also issued for acquisition of land in village Nangal Dewat and Shahbad Mohemmedpur. Some plots of land of village Rangpuri were acquired vide Award No. 94/72-73 dated 12.3.1973. The Land Acquisition Collector while assessing the market value of the acquired land covered by the aforesaid Award, divided the said land into two blocks and fixed Rs. 3,300/- and Rs. 2,200/- per bigha for Block-A and Block-B, respectively. The claimants being dissatisfied with the offer of compensation preferred reference petitions under Section 18 of the Act. The learned Additional District Judge enhanced the compensation to Rs. 4,800/- per bigha in respect of Block-A and Rs.3,200/- in respect of Block-B. The appellants before us being not satisfied with the compensation awarded by the learned Additional District Judge preferred Regular Appeals before the High Court. The High Court by the judgment under appeal assessed the market value of appellants' acquired land at Rs. 13,000/- per bigha. Consequently, the claimants' appeals were allowed. Still not satisfied with the rates of compensation determined by the High Court the appellants have come to this Court by filing special leave petitions.

Learned counsel appearing for the appellants referred to a decision of this Court in the case of Gokal Vs. State of Haryana A.I.R. 1992 SC 150, wherein this

Court determined market value of the land on the date of relevant notifications at Rs. 20/-, Rs. 25/-, Rs. 26/and Rs. 30/per sq. yard, respectively. On the strength of this decision it was urged that the increase in the market value of land per year comes to over Rs. 5,000/- per bigha and if the market value of land is taken to Rs. 3,000/- per bigha on 23rd Jajuary, 1965 as determined by the High Court, the value of appellant's land should be increased by Rs. 5,000/per bigha for each year. The submissions of learned counsel for the appellants, therefore is that if the aforesaid principle is adopted the market value of land on the date of notification issued under section 4 of the Act would be Rs. 33,000/- per bigha. We have gone through the decision referred to above but do not find any principle having been laid down therein for such increase in the compensation for the acquired land as is canvassed by learned counsel for the appellants. Although it is true that compensation was increased in Gokal's case (supra) but no reasons were given for increasing the compensation. We are, therefore, of view that Gokal's case (supra) is of no help to the contention of learned counsel for the appellants. On the other hand, the High Court while assessing the market value of the appellants' land relied upon a Division Bench decision of Delhi High Court in the case of Jai Lal Vs. Union of India, R.F.A. No. 203/82 decided on 27.4.88 which related to determination of compensation in respect of land in village Nangal Dewat with reference to the notification dated 3.12.1971. The High Court in the said case awarded uniform compensation @ Rs. 13,000/- per bigha. In the present case it was found by the High Court that the acquired land in village Nangal Dewat and the appellants' land are similarly situated, therefore, the rates of compensation should be uniform. Accordingly, the High Court assessed the market value of the land at Rs. 13,000/- per bigha. Thus, according to us the judgment of the High Court under appeal is neither perverse nor illegal and does not call for any interference, since it is based on correct appreciation of evidence on record and proper application of law to the established facts. The appeals are accordingly dismissed, but in the circumstances of the case there shall be no order as to cost.