

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

*L.A.A*  
+ **LPA 141/2007**

SHRI SIRIYA

..... Appellant  
Through Mr. Satpal Singh, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents  
Through Mr. Sanjay Poddar, Adv. for  
Respondent No.1

**CORAM:**

**HON'BLE MR. JUSTICE T.S. THAKUR**

**HON'BLE MS. JUSTICE SIDDHARTH MRIDUL**

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

*not necessary*

**ORDER**  
**28.03.2008**

**Per Thakur, J (Oral):**

A large extent of land including 18 bighas and 10 biswas owned by the appellant in village Aali was notified for acquisition in terms of a preliminary notification dated 16<sup>th</sup> October, 1992 for the public purpose of construction of an 'Ash Pond' for National Thermal Power Corporation. A declaration under Section 6 of the Act was issued on 23<sup>rd</sup> March, 1993 followed by Award No. 9/1994-95 by which the Collector, Land Acquisition determined compensation payable to the land owners at Rs.4,65,000/- per acre. Dissatisfied with the said amount, the land owners sought references to the Civil Court for determination of the true market value of the land on the date of the preliminary notification. These references including the one out of

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LA.APP.141/2007

Pg.1 Of 3

enhancement of the amount of compensation to Rs.5,99,850/- per acre as against Rs.4,65,000/- per acre awarded by the Collector. The present appeal assails the correctness of the said order and seeks further enhancement of compensation payable to the appellant land owner. 9

2. We have heard learned counsel for the parties and perused the record. Appearing for the appellant, Mr. Satpal drew our attention to a division bench decision of this Court in *Nirmal v. Union of India* **LA. APP. No. 92/2007** and connected matters decided on 30<sup>th</sup> November, 2007. He urged that the land which formed the subject matter of the said appeals was also acquired under the very same award and for the very same purpose. He submitted that this Court had, on the basis of the material on record, enhanced the amount of compensation payable to the owners in those cases from Rs.5,99,850/- per acre to Rs.6,51,000/- per acre with proportionate statutory benefits on the said amount and proportionate costs. He prayed for disposal of this appeal on similar terms.

3. Mr. Poddar, learned counsel appearing for the respondent Collector, Land Acquisition, did not dispute the material facts pointed out by learned counsel for the appellant. He submitted that the land owned by the appellant was indeed acquired for the same purpose, under the same notification and award made by the Collector, although there was some typographical mistake about the date of notification and the date of the preliminary order in the order passed by this Court on 30<sup>th</sup> November, 2007. The discrepancy pointed out by Mr. Poddar, however, did not make any material difference keeping in view the fact that the purpose for which the land in question was acquired was admittedly common in both the cases. It is also not in dispute that the compensation payable to the land owners

in the connected appeals has, upon a proper consideration of the material, been enhanced to Rs.6,51,000/-. The court had, in **Nirmal's case (supra)**, while enhancing the compensation, placed reliance upon the order passed by the reference court awarding compensation @ Rs.6,51,000/- in regard to the land situate in Jaitpur. This court had noted that the reference court had found the land situate in village Aali and that in village Jaitpur to be comparable both in terms of their location as also the non-agricultural potential. 10

4. In the circumstances, therefore, we see no reason to strike a discordant note in this appeal. On the analogy of the order passed in **Nirmal's case (supra)**, we allow this appeal in part and to the extent that the appellant shall be entitled to compensation @ Rs.6,51,000/- per acre with proportionate benefits on the said amount including solatium additional market value and interest in terms of the judgment of the Supreme Court in ***Sunder v. Union of India* DLT 2001 (SC) 569**. The appellant shall also be entitled proportionate costs in this appeal.

  
T.S. THAKUR, J.

  
SIDDHARTH MRIDUL, J

MARCH 28, 2008  
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