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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LA.APP. 445/2011

UNION OF INDIA

..... Appellant

Through: Mr.Sanjay Poddar, Senior Advocate
with Mr.Sanjay Kumar Pathak,
Mr.Mohitrao Jadhav, and Ms.Navlin
Swain, Advocates for UOI/LAC
Ms.Usha Saxena for MCD

versus

VED PRAKASH TYAGI & ANR

..... Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE SUNIL GAUR****ORDER****17.11.2011**

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LA.APP. 445/2011 & C.M.No. 13748/2011 (stay)

1. In this appeal, appellant – UOI seeks reduction of compensation granted to the respondents pertaining to acquisition of land in Village Holambi Kalan. Reference Court in impugned order has granted compensation at the uniform rate of ₹15,42,840/- per acre.

2. Upon hearing it transpires that in view of the reasoning adopted in paragraph no: 74 of a recent decision in LA APP.266/2008, titled as 'Jai Singh Vs. UOI & another', rendered on 23.8.2011, this appeal can be disposed of.

3. The Notification under Section 4 of Land Acquisition Act,

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1894 in the instant appeal is of 19.3.2001 and this appeal pertains to Village Holambi Kalan and while dealing with this very Notification this Court in Jai Singh (supra) in respect of this Village has enhanced the compensation to Rs.15,42,840/- per acre and the operative part of the decision rendered in Jai Singh (supra) reads as under:-

“74. With reference to the notification dated 9.8.2001 wherein with effect from 1.4.2001 minimum price notified per acre is ₹15.70 lakhs per acre and requiring said price to be suitably updated to reach the date of the notification i.e. 22.8.2001 and with reference to the sale deed dated 25.5.2002 wherein for Category ‘C’ lands, land price per acre comes to ₹17,74,109/-, rounded off to ₹17,75,000/- per acre, and for Category ‘B’ lands increasing the same by 2.5% the price comes to ₹18.2 lakhs per acre and further increasing by 2.5% the prices comes to ₹18,65,500/- per acre for Category ‘A’ lands; and decreasing the said prices by 11% to reflect the price with reference to the sale deed for the date 22.8.2001; the mean average price for Category ‘A’ lands in village Holambi Kalan comes to ₹16,74,500/- per acre and decreasing the same by 2.5%, it comes to ₹16,32,637.50 per acre for Category ‘B’ lands. Noting that the learned Reference Court has, without any reasons, done away with Category ‘B’ lands and uniform price awarded is ₹16,43,811/- per acre, the price differential worked out by me comes to a meager ₹9,000/- per acre and thus qua Category ‘B’ lands I maintain the amount awarded by the learned Reference Court.

4. Learned counsel for the appellant is not able to show that, while calculating on the aforesaid basis the compensation granted vide impugned order is on the higher side. Rather, compensation has been awarded in the impugned order at a lower rate.

5. In view of the aforesaid, finding no merit in this appeal, the same is dismissed with no orders as to costs.


SUNIL GAUR, J

NOVEMBER 17, 2011
pkb