

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment Reserved On: 6th June, 2011
Judgment Delivered On: 7th June, 2011

+ LA APP.NO.971/2008 &
CM No.4135/2009 (Cross Objection)

RAJBAL & ORS. Appellants
Through: Mr.Deepak Khosla and Mr.Inder Singh,
Mr.I.S.Dahiya, Mr.J.N.S.Tyagi, Mr.S.K.Verma,
Mr.S.K.Rout, Mr.H.R.Singh, Mr.V.K.Singh,
Mrs.Vijaylakshmi Jain, Mr.Shyam Babu
Ambavata, Mr.N.S.Chechi, Advocates.

Versus

UOI & ANR. Respondents
Through: Mr.Sanjay Poddar, Standing Counsel
(LA), GNCT Delhi with Mr.Sachin
Nawani, Mr.R.C.Ray and
Mr.Ashish Tanwar, Advocates.
Mr.Amit Mehra, Advocate for Mr.Ajay Verma,
Standing Counsel DDA.

AND

+LA.APP.1045/2008, LA.APP.1101/2008 & CM 4148/2009,
LA.APP.1228/2008 & CM No.7778/2009, LA.APP.1232/2008,
LA.APP.1237/2008 & CM No.11653/2011, LA.APP.1254/2008,
LA.APP.1261/2008 & CM No.2902/2009, LA.APP.1262/2008 & CM
No.11651/2011, LA.APP.1269/2008 & CM No.7847/2009,
LA.APP.1270/2008, LA.APP.1271/2008 & CM No.7834/2009,
LA.APP.1272/2008 & CM No.11648/2011, LA.APP.1274/2008 & CM
No.11580/2011, LA.APP.23/2009, LA.APP.49/2009, LA.APP.75/2009,
LA.APP.87/2009 & CM No.7472/2009, LA.APP.91/2009,
LA.APP.131/2009, LA.APP.151/2009, LA.APP.163/2009,
LA.APP.193/2009, LA.APP.195/2009, LA.APP.205/2009 & CM

No.10067/2011, LA.APP.207/2009, LA.APP.221/2009 & CM
No.10071/2011, LA.APP.225/2009, LA.APP.235/2009,
LA.APP.237/23009, LA.APP.239/2009, LA.APP.297/2009,
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LA.APP.4/2010, LA.APP.5/2010, LA.APP.31/2010, LA.APP.33/2010,
LA.APP.30/2011, LA.APP.31/2011, LA.APP.32/2011, LA.APP.37/2011,
LA.APP.1092/2008 & CM No.7843/2009, LA.APP.1097/2008 & CM
No.4643/2009, LA.APP.1098/2008 & CM No.11674/2011,
LA.APP.1099/2008 & CM No.7840/2009, LA.APP.1100/2008 & CM
No.9986/2011, LA.APP.1118/2008, LA.APP.1227/2008, LA.APP.1/2009
& CM No.11671/2011, LA.APP.2/2009 & CM No.3003/2009
LA.APP.26/2009 & CM No.3006/2009, LA.APP.28/2009 & CM
No.4145/2009, LA.APP.92/2009 & CM No.7770/2009,
LA.APP.126/2009, LA.APP.150/2009, LA.APP.152/2009 & CM
No.9953/2011, LA.APP.160/2009 & CM No.11685/2011,
LA.APP.170/2009, LA.APP.184/2009, LA.APP.192/2009,
LA.APP.194/2009, LA.APP.204/2009, LA.APP.206/2009 & CM
No.9956/2011, LA.APP.212/2009, LA.APP.218/2009 & CM
No.7878/2010, LA.APP.226/2009 & CM No.11680/2011,
LA.APP.234/2009, LA.APP.236/2009, LA.APP.238/2009,
LA.APP.240/2009, LA.APP.248/2009, LA.APP.285/2009,
LA.APP.286/2009, LA.APP.287/2009, LA.APP.288/2009,
LA.APP.289/2009, LA.APP.290/2009, LA.APP.292/2009,
LA.APP.294/2009, LA.APP.296/2009 & CM No.11597/2011,
LA.APP.312/2009, LA.APP.314/2009, LA.APP.316/2009,
LA.APP.318/2009, LA.APP.319/2009, LA.APP.320/2009,
LA.APP.321/2009, LA.APP.322/2009 & CM No.11683/2011,
LA.APP.323/2009, LA.APP.377/2009, LA.APP.379/2009,
LA.APP.381/2009, LA.APP.382/2009, LA.APP.387/2009,

LA.APP.444/2009, LA.APP.522/2009, LA.APP.640/2009,
LA.APP.642/2009, LA.APP.69/2010, LA.APP.431/2010,
LA.APP.686/2010, LA.APP.33/2011, LA.APP.50/2011,
LA.APP.1286/2011 & CM No.11686/2011, LA.APP.1287/2008 & CM
No.2910/2009, LA.APP.88/2009 & CM No.11677/2011,
LA.APP.368/2009, LA.APP.44/2010, LA.APP.296/2011 & CM
No.11597/2011 and LA.APP.34/2011 (Relating to Notification under
Section 4 of Land Acquisition Act 1894, dated 18.7.2003)

AND

LA.APP.347/2007, LA.APP.349/2007, LA.APP.351/2007,
LA.APP.354/2007, LA.APP.355/2007, LA.APP.362/2007,
LA.APP.369/2007, LA.APP.386/2007, LA.APP.397/2007,
LA.APP.21/2008, LA.APP.274/2008, LA.APP.631/2010,
LA.APP.840/2010, LA.APP.342/2007, LA.APP.343/2007,
LA.APP.344/2007, LA.APP.345/2007, LA.APP.346/2007,
LA.APP.348/2007, LA.APP.353/2007, LA.APP.356/2007,
LA.APP.363/2007, LA.APP.364/2007 and LA.APP.387/2007 (Relating to
Notification under Section 4 of Land Acquisition Act 1894, dated
24.7.1998)

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

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

PRADEEP NANDRAJOG, J.

1. Registry is directed to number the cross-objections if any lying unnumbered in the above-captioned Appeals.

2. The present decision decides the above-captioned Appeals and cross objections which pertain to lands acquired pursuant to notifications dated 24.7.1998 and 18.7.2003 issued under Section 4 of the Land Acquisition Act 1894 and I note that the subject lands are situate in the revenue estate of village Burari and Jharoda Mazra Burari. It may be noted that pursuant to the notification dated 24.7.1998 lands were acquired in the revenue estate of the village Jharoda Mazra Burari and pursuant to the notification dated 18.7.2003 the subject lands which were acquired were in the revenue estate of village Burari.

3. The land measuring 705-07 bigha situated in the revenue estate of Jharoda Mazra Burari was acquired by the Government pursuant to the notification dated 24.7.1998 issued under Section 4 of the Land Acquisition Act, 1894. The purpose of the acquisition was to set up a 'Dairy Colony'.

4. The Land Acquisition Collector announced the award No.5/LAC/CL/2000 as per which the Land Acquisition Collector ostensibly took into consideration the potentiality and fertility of the land to ascertain the quality thereof as also its proximity to the nearby habitation. The award records that the survey of the acquired land was concluded to find out the grade of the land as per its fertility and use. Based thereon the Land Acquisition Collector has classified the land into the following categories:-

Block 'A': (443-15 bigha) : Plain agricultural land of standard quality.

Block 'B' (197-07 bigha) : Low lying land of poor fertility and prone to water logging.

Block 'C' (64-05 bigha) : Degraded land not put to any agricultural use.

5. It may be noted that the basis of so holding has not been recorded/set out in the award.

6. The Land Acquisition Collector considered 4 sale instances out of which 2 instances were of the same village and as per which land measuring 500 sq.yds. each was sold for ₹50,000/- on 07.08.1997, whereas the other 2 sale instances were of village Wazirabad, a village in the vicinity, the first of which being the sale deed dated 27.01.1998 was in respect of the land ad-measuring 1028 sq.yds. and the sale price was ₹1,00,000/- and the second sale deed dated 26.05.1977 was in respect of land ad-measuring 1600 sq.yds. which was sold for ₹3,00,000/-. The Land Acquisition Collector thus noted in the award that the indicative price as per the 4 sale deeds comes to ₹139/- per sq.yd. but did not rest his award thereon inasmuch as the said price resulted in the land value being less than the minimum price notified by the Government as per Office Order dated 24.9.1998 under which the minimum indicative price fixed by the Government for agricultural land in Delhi was ₹11,20,000/- per acre i.e. 4 bigha and 16 biswa as of 1.4.1998. I note that as per the Office Order in question the rate per square yard comes to ₹230/- (approximately). Accordingly, the Land Acquisition Collector determined the compensation payable as under:-

- Block 'A' : ₹11,20,000/- per acre;
- Block 'B' : ₹10,08,000/- per acre (After effecting 10% reduction from the price of category 'A')
- Block 'C' : ₹8,96,000/- per acre (After effecting 10% reduction from the price of category 'B')

The Land Acquisition Collector also awarded compensation for the trees found in the acquired land and also granted other statutory benefits as per the Land Acquisition Act.

7. Dissatisfied with the assessment, the appellants sought reference under Section 18 of the Land Acquisition Act, 1894 and on the reference being made the learned Reference Court answered the Reference under several orders passed under Section 26 of the Land Acquisition Act, 1894 and assessed the market value of the land by adopting the minimum rate notified by the Government i.e. ₹11,20,000/- per acre for Category 'A' land but gave benefit of an annual increase at the rate of 11.5% for the period 1.4.1998 till 24.7.1998 and as was done by the Land Acquisition Collector, even the Reference Court depressed the said price by 10% each over the preceding value to determine the fair market value for land comprised in Category 'B' and Category 'C'. Accordingly, the Reference Court enhanced the compensation, per acre, as under:-

Category 'A' : ₹11,60,580.82.

Category 'B' : ₹10,44,522.73.

Category 'C' : ₹9,28,464.65.

8. This assessment by the learned Reference Court has been accepted by the Government, but the land owners have challenged the same in the above-captioned appeals listed under caption II above.

9. Another parcel of land ad-measuring 1448-01 bigha (301.66 acres), situated in the revenue estate of village Burari, i.e., the adjoining village was acquired by the Government pursuant to a notification issued under Section 4 of the Land Acquisition Act 1894 on 18.07.2003. This land was acquired for the public purpose, namely, the development of a 'Bio-Diversity Park, Phase-II'.

10. While determining the market value of the subject lands, the Land Acquisition Collector, treating the land as agricultural land, classified the same into 2 categories, namely, Category 'A' and

Category 'B' as per the award bearing No.2/LAC/N/05-06. The Land Acquisition Collector observed that the acquired land is on the Eastern side of the Forward Bund and categorically held that the land was not prone to Burdhi and/or Baramadi i.e. was not prone to alluvium or diluvial effects of the river currents. He observed that the subject lands were '*Do Fasl*' i.e. 2 crops were grown on the lands each year.

11. The Land Acquisition Collector put in Category 'A' only 12.44 acres of land out of 301.66 acres and the remainder 289.22 acres was put in Category 'B'. The Land Acquisition Collector has observed that he had obtained the consolidation report from the office of the Kanugo showing the variation in the value of the land at the time of consolidation.

12. Relevant would it be to note that on what basis he did so has not been stated in the award and one is left guessing. The only reason for classifying the subject lands in two categories is that some lands were better in quality than the other. The Land Acquisition Collector referred to the previous award wherein the land was classified in 3 categories. I highlight that the Land Acquisition Collector has given no reasons why he was placing only 12.44 acres land in Category 'A' and the remainder in Category 'B'.

13. Pertaining to the fair market value, in the absence of any sale deed presented before the Land Acquisition Collector from which fair market value could be determined, the Land Acquisition Collector relied upon the Office Order dated 9.8.2001 as per which minimum value of agricultural land in Delhi was fixed at ₹15,70,000/- per acre, and accordingly held said price to be the fair market value for lands in Category 'A' and for unexplainable reasons, in any case none which I can fathom, assess the value ₹5,05,000/- per acre for the remaining

land. With respect to a report received from the Horticulture Department, the Land Acquisition Collector observed that land comprised in Khasra Nos.116/3, 4, 7, 8, 14, 26, 106/26, 133/25 and 26 were having orchards and for which he assessed further compensation pertaining to said lands with respect to the value of the trees thereon. Needless to state statutory benefits under the Land Acquisition Act 1894 were also granted.

14. Dissatisfied with the assessment of the fair market value, the land owners sought reference under Section 18 of the Land Acquisition Act and hence various references were made to the Reference Court.

15. After affording an opportunity to the parties to lead evidence, the Reference Court answered the references by rejecting the categorization of the lands as per the award and granted a uniform compensation for the entire land. Adopting the minimum price for agricultural land issued by the Government on 09.08.2001, and granting an annual increase @11.5% per annum on the sum of ₹15,70,000/-, the Court fixed the market value of the land at ₹19,20,568/- per acre as on 18.07.2003. Needless to state statutory benefits under the Land Acquisition Act 1894 were granted on the enhanced compensation.

16. This decision has been challenged by the land owners as also the Government.

17. A perusal of the decision of the Reference Court would reveal that the matter was argued on two counts. On the first count the land owners won and on the second count they lost. The first count on which they questioned the award pertained to classification of only 12.44 acre land in Category 'A' and for which they relied upon the valuation given to the lands during consolidation proceedings which

took place in the year 1970-72. The second count pertained to the market value of land and for which they relied upon two sale deeds Ex.PW-1/2 (in the reference sought by Raj Bal LAC No.226/1/2007 as per which 7 bigha 15 biswa land comprised in Khasra No.19/26 in the revenue estate of village Burari was sold by the recorded bhoomidars thereof Sh.Ram Kumar and Sh.Rajesh Kumar in favour of Motor General Finance Ltd. on 9.12.1993 at a recorded sale consideration of ₹39,17,000/-. Therefrom they urged that the fair market value of agricultural lands in village Burari have to be treated at ₹39,17,000/- per acre as of 9.12.1993 and desired that market value of their lands be enhanced as of the year 2003.

18. I may note that in the reference sought pertaining to the lands which were acquired pursuant to the notification dated 24.7.1998, this sale deed was pressed into aid by the land owners therein as well.

19. The sale deed has been rejected by the learned Reference Court pertaining to both sets of acquisition. I shall be dealing with the reasoning of the learned Judge soon hereinafter.

20. Consolidation proceedings in both villages took place under the provisions of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 [as extended to Delhi].

21. Since the consolidation proceedings in question were relied upon only pertaining to the agricultural lands in village Burari and record thereof alone was proved before the Reference Court, it may be noted that 93 sheets of the consolidation record was proved as Ex.PW-4/1 in the reference sought by Raj Bal & Ors. and this was proved through the testimony of Sh.Rajender Prakash Kanugo who appeared as PW-4 and the same records that during consolidation

land in the village was assigned 16 annas, 12 annas, 10 annas, 8 annas, 6 annas and 4 annas.

22. I may highlight that as per the award No.2/LAC/N/05-06 the subject lands are comprised in rectangle No.106, 107, 108, 109, 110, 112, 113, 114, 115, 116, 125, 126, 127, 128, 129, 133, 134, 142 and 143. As per the award the lands in all the rectangles save and except rectangle No.142 and 143 and only lands comprised in Khasra No.6, 15/1-2, 16 and 25 in rectangle 133 have been put in Category 'B' and the remainder in Category 'A'.

23. The record of consolidation shows that the Land Acquisition Collector, notwithstanding having referred to have seen the record of consolidation, has not reflected the same correctly inasmuch as I find the following valuations given during consolidation.

Rectangle No.	Value in annas
106	8
107	6
108	10
109	10
110	10
112	6
113	10
114	6
115	12
116	12
125	12
126	12
127	8
128	4
129	8

132	12
133	12
134	12
142	12
143	12

24. I may highlight the patent absurdity in the award wherein rectangle No.142 and 143 have been placed in Category 'A' which during consolidation were assigned value 12 anna ignoring that rectangle 115, 116, 125, 126 and 132 to 134 were also assigned the same value.

25. I shall be taking corrective action at the appropriate stage. But would note at this stage that the learned Reference Court has somewhat undone the injustice by treating all lands in the same category of which finding the land owners are happy but the Government is aggrieved of.

26. From the facts noted hereinabove, the arguments of the rival parties can be discerned. As regards the Government it questions all lands in village Burari being put in the same category and also with regard to the enhancement given by the learned Reference Court. As regards the land owners they are aggrieved by the fact that the market value of their lands was not determined with reference to the sale deed Ex.PW-1/2 i.e. the sale-deed dated 9.12.1993 under which 7 bigha and 15 biswa of land in village Burari was sold for ₹39,17,000/-.

27. I may note that a number of documents were proved by various parties before the learned Reference Court, but I need not trouble the reader of my decision with the same as neither counsel relied upon them during arguments for the obvious reason the sales reflected in the sale deeds post 2003, being after the acquisition being notified,

could not be treated as reflective of the fair market value of the lands as of either the year 1998 or of the year 2003.

28. Questioning the adoption of the sale price as per Ex.PW-1/2 and justifying the rejection thereof by the learned Reference Court, Sh.Sanjay Poddar argued that Motor General & Finance apparently entered into 2 agreements to sell, both dated 15.10.1999 being Mark 'A' and 'B' for a consideration of ₹42,90,000/-. Learned counsel urged that the speculative value reflected in the sale deed dated 9.12.1993 is apparent inasmuch as the said land was agreed to be sold 5 years and 10 months thereafter for a sum of ₹42,90,000/- i.e. a meager price rise of ₹3,73,000/- which would give an appreciation of less than 1% in the total period of 5 years and 10 months as against various decisions holding that during this period the price rise of agricultural land in Delhi was around 10% progressive, in some and flat in others depending upon the situational advantage/disadvantage of the subject lands. By way of illustration to make good the point, learned counsel argued that doing reverse calculation, if ₹42,90,000/- was the value as of 15.10.1999, depressing the same by reducing it 10% each year even on a flat rate, the value as of 1993 would be around ₹14,00,000/- for 7 bigha and 15 biswa land. Counsel highlighted that this would translate to a value of ₹1,80,000/- per bigha. However, counsel was quick to add this may not be taken as his admission as the argument was only to illustrate a point. Learned counsel highlighted the testimony of Sh.Arun Mitter PW-3 a director of the company who appeared in LAC No.140/1/206 and admitted that he was not familiar with the topology of the area and had no proof of any earnings from the land during the period it remained with the company and virtually admitted not having put the land to any use. Counsel stated that his assertion that flowers were grown therein by a

Mali had to be ignored inasmuch as when questioned who was the Mali, who employed him and in what manner salary was paid to him, Sh.Arun Mitter disclosed his ignorance. Counsel also highlighted that one land owner Sh.Laxmi Chand who was a petitioner along with Charan Singh & Ors. in LAC No.138/1/06 admitted land being used as a godown i.e. a commercial purpose. Learned counsel further submitted that on the issue of the land price, Ex.RX1 being the sale deed dated 22.11.2003 executed in favour of Nisha Tyagi showed that the lady had purchased agricultural land in village Burari on 22.11.2003 for ₹6,32,000/- being 5 bigha and 19 biswa of land and the sale deed Ex.RX2 dated 2.1.2004 showed that Raj Bal, his wife Usha Tyagi and his sister-in-law Shobha had purchased 2 bigha, 10 biswa land in the same village for ₹2,65,651/-. Therefrom counsel sought to justify the inflated figure in the sale deed relied upon by the land owners.

29. Pertaining to the sale deed executed in favour of Motor General & Finance it certainly assumes importance that the company, speaking through its Director, gave no convincing reasons of having put the land to any use. The claim that flowers were grown and were consumed in house is most uninspiring inasmuch as not even the name of the Mali employed could be provided by Sh.Arun Mitter. No proof of any salary paid to the Mali was adduced. The speculative nature of the transaction is self-evident from the fact that nearly 6 years thereafter the company ostensibly sold the land at a meager price rise of ₹3,73,000/- which gives not even 1% increase in the value of the land spread over nearly 6 years, to be exact 5 years and 10 months. That Arun Mitter admitted having no idea of the topology of the land in the area would show that the company was not an informed buyer and in respect of sale of land it is settled law that the

test is the price which an informed buyer would pay to a willing seller and to be an informed buyer there must be evidence that the buyer has knowledge of the topology of the area, the land available for sale and such other factors showing that the buyer was an informed buyer as observed by the Supreme Court in the decision reported as Mohammad Raofuddin Vs. Land Acquisition Officer 2009 (14) SCC 367.

30. I accordingly hold that the sale deed in question would not be a good guiding factor on which fair market value of the lands in question has to be determined and would likewise even reject the sale deed relied upon by Sh.Sanjay Poddar as the same relate to small parcels of land and cannot be treated as a good representative sample of the whole.

31. Thus, pertaining to the subject lands I hold that the basis to determine the fair market value has to be the Government Officer Orders fixing minimum price at ₹11,20,000/- per acre as of 1.4.1998 and ₹15,70,000/- as of 9.8.2001, which, treating ₹11,20,000/- as the base figure and the date 1.4.1998 gives us a progressive price rise of about 11% per annum and this I highlight conforms to a percentage increase which is being given by the Courts as a thumb rule.

32. On the issue of the situational location of the land, there is no evidence that it is near developed colonies in Delhi.

33. In the decision reported as 2011 IV AD (SC) 383 Om Prakash vs. State of Haryana & Ors. it was observed that several facets have to be kept in view while determining the potential value of the acquired land and some of these would include:-

- (i) the situation of the acquired land vis-à-vis the city or the town or village which had been growing in size because of its commercial, industrial, educational, religious or any other

- kind of importance or because of its explosive population;
- (ii) the suitability of the acquired land for putting up the buildings, be they residential, commercial or industrial, as the case may be;
 - (iii) possibility of obtaining water and electric supply for occupants of buildings to be put up on that land;
 - (iv) absence of statutory impediments or the like for using the acquired land for building purposes;
 - (v) existence of highways, public roads, layouts of building plots or developed residential extensions in the vicinity or close proximity of the acquired land;
 - (vi) benefits or advantages or educational institutions, health care centres, or the like in the surrounding areas of the acquired land which may become available to the occupiers of buildings, if built on the acquired land;
 - (viii) and lands around the acquired land or the acquired land itself being in demand for building purposes, to specify a few.

34. In view of the discussion hereinabove I find complete justification in the reasoning of the learned Reference Court pertaining to lands which were acquired pursuant to the notification dated 24.7.1998 as also the classification of the lands into 3 blocks and corresponding values assigned thereto and hence I hold that

LA.APP.347/2007,	LA.APP.349/2007,	LA.APP.351/2007,
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LA.APP.21/2008,	LA.APP.274/2008,	LA.APP.631/2010,
LA.APP.840/2010,	LA.APP.342/2007,	LA.APP.343/2007,
LA.APP.344/2007,	LA.APP.345/2007,	LA.APP.346/2007,

LA.APP.348/2007, LA.APP.353/2007, LA.APP.356/2007, LA.APP.363/2007, LA.APP.364/2007 and LA.APP.387/2007 are required to be dismissed.

35. As regards the remaining Land Acquisition Appeals and cross objections filed, I hold that the Reference Court gave good reasons to disagree with the classification resorted to and the price assigned thereto by the Land Acquisition Collector, but find the Reference Court having committed one error, in that it has assigned one market value to the entire acquired land.

36. It is no doubt true that the Land Acquisition Collector had referred to the subject lands as '*Do Fasl*', but with reference to the record of the consolidation proceedings, and as discussed by me hereinabove, it is apparent that different rectangles had different values ranging between 4 anna to 16 anna and in respect of the lands with which I am concerned, noting that they are comprised in rectangle No.106, 107, 108, 109, 110, 112, 113, 114, 115, 116, 125, 126, 127, 128, 129, 133, 134, 142 and 143, to which value of 4 annas was assigned to rectangle No.128, 6 annas to rectangle No.107, 112 and 114, 8 annas to rectangle No.106, 127 and 129, 10 annas to rectangle No.108, 109, 110 and 113 and 12 annas to the remainder, it would be just and proper to classify lands acquired in village Burari in 2 categories. Lands valued at 10 annas and 12 annas would be in Category 'A' and the remainder in Category 'B'.

37. I accordingly hold that lands comprised in rectangle No.108, 109, 110, 113, 115, 116, 125, 126, 132, 133, 134, 142 and 143 would be treated as in Category 'A' and lands comprised in rectangle No.106, 107, 112, 114, 127 and 129 would be treated in Category 'B'. Needless to state lands comprised in various Khasra Nos. relatable to the rectangle in question would so stand categorized.

38. This concludes one issue of categorization and which unfortunately for the land owners has resulted in the relatable cross objection succeeding on the point that not all lands have to be placed in the same category.

39. On the issue of the fair market value of the land, as noted hereinabove the learned Trial Judge has adopted the price notified by the Government at ₹15,70,000/- per acre as of 9.8.2001 and has enhanced it by 11.5% per annum to reach the figure of ₹19,20,568/- per acre and this price I hold is the fair market price for lands in Category 'A' detailed in para 37 above. I reduce the said figure by 10% for Category 'B' lands and thus hold that the fair market value for Category 'B' lands would be ₹17,28,512/-.

40. I conclude by directing that LA.APP.347/2007, LA.APP.349/2007, LA.APP.351/2007, LA.APP.354/2007, LA.APP.355/2007, LA.APP.362/2007, LA.APP.369/2007, LA.APP.386/2007, LA.APP.397/2007, LA.APP.21/2008, LA.APP.274/2008, LA.APP.631/2010, LA.APP.840/2010, LA.APP.342/2007, LA.APP.343/2007, LA.APP.344/2007, LA.APP.345/2007, LA.APP.346/2007, LA.APP.348/2007, LA.APP.353/2007, LA.APP.356/2007, LA.APP.363/2007, LA.APP.364/2007 and LA.APP.387/2007 are dismissed. I leave the parties to bear their own costs.

41. LA.APP.971/2008 & CM No.4135/2009, LA.APP.1045/2008, LA.APP.1101/2008 & CM 4148/2009, LA.APP.1228/2008 & CM No.7778/2009, LA.APP.1232/2008, LA.APP.1237/2008 & CM No.11653/2011, LA.APP.1254/2008, LA.APP.1261/2008 & CM No.2902/2009, LA.APP.1262/2008 & CM No.11651/2011, LA.APP.1269/2008 & CM No.7847/2009, LA.APP.1270/2008, LA.APP.1271/2008 & CM No.7834/2009, LA.APP.1272/2008 & CM

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LA.APP.5/2010, LA.APP.31/2010, LA.APP.33/2010, LA.APP.30/2011,
LA.APP.31/2011, LA.APP.32/2011, LA.APP.37/2011, LA.APP.1092/2008
& CM No.7843/2009, LA.APP.1097/2008 & CM No.4643/2009,
LA.APP.1098/2008 & CM No.11674/2011, LA.APP.1099/2008 & CM
No.7840/2009, LA.APP.1100/2008 & CM No.9986/2011,
LA.APP.1118/2008, LA.APP.1227/2008, LA.APP.1/2009 & CM
No.11671/2011, LA.APP.2/2009 & CM No.3003/2009 LA.APP.26/2009 &
CM No.3006/2009, LA.APP.28/2009 & CM No.4145/2009,
LA.APP.92/2009 & CM No.7770/2009, LA.APP.126/2009,
LA.APP.150/2009, LA.APP.152/2009 & CM No.9953/2011,
LA.APP.160/2009 & CM No.11685/2011, LA.APP.170/2009,
LA.APP.184/2009, LA.APP.192/2009, LA.APP.194/2009,
LA.APP.204/2009, LA.APP.206/2009 & CM No.9956/2011,
LA.APP.212/2009, LA.APP.218/2009 & CM No.7878/2010,
LA.APP.226/2009 & CM No.11680/2011, LA.APP.234/2009,
LA.APP.236/2009, LA.APP.238/2009, LA.APP.240/2009,
LA.APP.248/2009, LA.APP.285/2009, LA.APP.286/2009,
LA.APP.287/2009, LA.APP.288/2009, LA.APP.289/2009,
LA.APP.290/2009, LA.APP.292/2009, LA.APP.294/2009,
LA.APP.296/2009 & CM No.11597/2011, LA.APP.312/2009,

LA.APP.314/2009, LA.APP.316/2009, LA.APP.318/2009,
 LA.APP.319/2009, LA.APP.320/2009, LA.APP.321/2009,
 LA.APP.322/2009 & CM No.11683/2011, LA.APP.323/2009,
 LA.APP.377/2009, LA.APP.379/2009, LA.APP.381/2009,
 LA.APP.382/2009, LA.APP.387/2009, LA.APP.444/2009,
 LA.APP.522/2009, LA.APP.640/2009, LA.APP.642/2009,
 LA.APP.69/2010, LA.APP.431/2010, LA.APP.686/2010, LA.APP.33/2011,
 LA.APP.50/2011, LA.APP.1286/2011 & CM No.11686/2011,
 LA.APP.1287/2008 & CM No.2910/2009, LA.APP.88/2009 & CM
 No.11677/2011, LA.APP.368/2009, LA.APP.44/2010, LA.APP.296/2011
 & CM No.11597/2011 and LA.APP.34/2011 stand disposed of in terms
 of paras 37 and 39 above requiring a decree to be drawn with
 reference to whether the lands are comprised in such Khasras as fall
 in such rectangles which have been placed in Category 'A' or in
 Category 'B'. Needless to state such appeals and cross objections
 which relate to such lands as would be in Category 'A' stand
 dismissed. Appeals filed by the land owners and also cross objections
 filed by the land owners which relate to lands placed in Category 'B'
 are dismissed. Appeals filed by the Union of India as also cross
 objections filed by Union of India pertaining to lands in Category 'B'
 would stand allowed in terms of para 37 and 39 above.

41. Needless to state impugned decrees would stand modified
 accordingly. I leave the parties to bear their own costs.

(PRADEEP NANDRAJOG)
JUDGE

JUNE 07, 2011
mm / dk