

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

% Judgment reserved on : 21.05.2013

Judgment pronounced on : 29.05.2013

+ LA.APP. 127/2004

HARI CHAND THRU L.R'S

..... Appellant

Through: Mr. Satpal Singh, Adv.

versus

UOI

..... Respondent

Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/UOI /LAC

Mr. Pawan Mathur, Adv. for DDA

+ LA.APP. 128/2004

HARI CHAND

..... Appellant

Through: Mr. Satpal Singh, Adv.

versus

UOI

..... Respondent

Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/UOI /LAC

Mr. Pawan Mathur, Adv. for DDA

+ LA.APP. 129/2004

SIRYA

..... Appellant

Through: Mr. Satpal Singh, Adv.

versus

UOI

..... Respondent

Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/UOI /LAC

Mr. Pawan Mathur, Adv. for DDA

+ LA.APP. 192/2004

JAGMAL(DECLD.)THR.LR'S

..... Appellant

Through: Mr. Satish Kumar Verma, Adv.
versus

UOI & ANR

..... Respondent

Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/UOI /LAC
Mr. Pawan Mathur, Adv. for DDA

+ LA.APP. 193/2004
CHANDER MAL & ORS.

..... Appellant

Through: Mr. Satish Kumar Verma, Adv.
versus

UOI & ANR.

..... Respondent

Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/UOI /LAC
Mr. Pawan Mathur, Adv. for DDA

+ LA.APP. 156/2007
VINOD KUMAR & ORS.

..... Appellant

Through: Mr. Deepak Khosla, Mr. Inder Singh
and Mr. J.P. Verma, Advs.
versus

UOI & ANR.

..... Respondent

Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/UOI /LAC
Mr. Pawan Mathur, Adv. for DDA

+ LA.APP. 157/2007
BHULE RAM

..... Appellant

Through: Mr. Deepak Khosla, Mr. Inder Singh
and Mr. J.P. Verma, Advs.

versus

UOI & ANR.

..... Respondent

Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/UOI /LAC
Mr. Pawan Mathur, Adv. for DDA

+ LA.APP. 160/2007
CHANDER MAL & ORS

..... Appellant

Through: Mr. Satish Kumar Verma, Adv.

versus

U.O.I & ANR

..... Respondent

Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/UOI /LAC
Mr. Pawan Mathur, Adv. for DDA

+ LA.APP. 162/2007
MAHENDER SINGH

..... Appellant

Through: Mr. Deepak Khosla, Mr. Inder Singh
and Mr. J.P. Verma, Advs.

versus

UOI & ANR

..... Respondent

Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/UOI /LAC
Mr. Pawan Mathur, Adv. for DDA

+ LA.APP. 163/2007
SHIV CAHRAN

..... Appellant

Through: Mr. Deepak Khosla, Mr. Inder Singh
and Mr. J.P. Verma, Advs.

versus

UOI & ANR

..... Respondent
Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/IOI /LAC
Mr. Pawan Mathur, Adv. for DDA
+ LA.APP. 171/2007
BISHAMBER DAYAL & ORS.

..... Appellant
Through: Mr. Deepak Khosla, Mr. Inder Singh
and Mr. J.P. Verma, Adv.
versus

IOI & ANR

..... Respondent
Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/IOI /LAC
Mr. Pawan Mathur, Adv. for DDA
+ LA.APP. 198/2007
HARI CHAND

..... Appellant
Through: Mr Satpal Singh
versus

IOI & ANR.

..... Respondent
Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-
1/IOI /LAC
Mr. Bankey Bihari Sharma with Mr.
Mahendra Kumar, Advs. for DDA
+ LA.APP. 199/2007
SIRIYA

..... Appellant
Through: Mr Satpal Singh
versus

IOI & ANR.

..... Respondent
Through: Mr. Sanjay Kumar Pathak and Ms. K.
Kaomudi Kiran Pathak, advs. for R-

1/UIOI /LAC Mr. Bankey Bihari
Sharma with Mr. Mahendra Kumar,
Advs. for DDA

CORAM:
HON'BLE MR. JUSTICE V.K. JAIN

V.K. JAIN, J.

The land of the appellants before this Court, in Village Aali, was notified under Section 4 of Land Acquisition Act vide notification dated 06.04.1964. The compensation in respect of the aforesaid land was determined vide Award No. 3/97-98 Supplementary. The Land Acquisition Collector awarded compensation to the appellants at the rate of 12000/- per bigha following the order of the learned Additional District Judge in LAC No. 112/93, Sumitra Devi v. Union of India, where the land in the same village was acquired vide same notification dated 06.04.1964.

2. Being aggrieved from the compensation awarded by LAC, the appellants sought reference under Section 18 of the Act. On such reference being made, the learned Additional District Judge held that no enhancement of compensation awarded by LAC was called for. While rejecting the reference, the learned Additional District Judge applied the compensation of Rs.17,000/- per bigha fixed by this Court in respect of

the land notified in the same village i.e. Village Aali on 12.6.1969 and after depreciating the value as assessed on 12.6.1969, he determined the market value @ Rs.12,000/- per bigha, as on 6.4.1964. He also took note of the fact that in another RFA, this Court had determined the compensation in respect of adjoining village Badapur @ Rs.12,000/- per bigha in respect of the land notified on 6.4.1964. He, however, directed that they shall be entitled to interest under Section 34 of the Act from the date of possession of the land till the date of payment of the compensation. He also held that the appellants shall also be entitled to interest on solatium and additional amounts in terms of the decision of Supreme Court in **Sunder vs. Union of India** DLT 2001 (SC) 569. Being aggrieved from the learned Additional District Judge, the appellants are before us.

3. The compensation, to which a land owner whose land is acquired by the Government is entitled, is the price which a willing seller could reasonably expect to obtain from a willing purchaser, at the time the said land was notified under Section 4 of the Land Acquisition Act. The purchaser, while purchasing a property would take into consideration not only the existing use to which the land sought to be purchased by him is

put, but also its potential in terms of use to which it can reasonably be expected to be put immediately or near future. Therefore, the valuation needs to take into consideration not only the condition of the land as on the date of the notification, but also its potential value. Of course, considering the mandate of clause 4(4) of Section 24 of the Land Acquisition Act, any increase to the value of land, likely to accrue from the use to which it will be put when acquired needs to be excluded from consideration. As stated by Supreme Court in **P. Ram Reddy and Ors. Vs. Land Acquisition Officer, Hyderabad Urban Development Authority, Hyderabad and Ors.** (1995) 2 SCC 305, such possibility of user of the acquired land for a different purpose can never be wholly a matter of conjecture or surmise or guess and should be a matter of inference to be drawn based on appreciation of material placed on record to establish such possibility. As observed by the Apex Court in the said judgment, such material must necessarily relate to matters such as:

(i) the situation of the acquired land vis-a-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 purpose;
- (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 of educational institutions, health care centers, 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; and
- (vii) lands around the acquired land or the acquired land itself being in demand for building purposes, to specify a few.

The material so placed on record cannot have needed evidentiary value, unless supported by reliable documentary evidence as far as the circumstance permit. In case the land owner brings on record such an

evidence, the market value of the acquired land comprises the value having regard to the use to which it was put on the date of notification, plus the increase in the said value on account of possibility of being used for other purposes such as buildings being constructed thereupon.

4. It was observed by Supreme Court in **Tribeni Devi and Ors. v. Collector of Ranchi** AIR 1972 SC 1417, the sale deeds of the lands situated in the vicinity and the comparable benefits and advantages which they have furnish a rough and ready method of computing the market value though this is not the only method of computing the market value, other methods being rent which the owner was actually receiving at the relevant point of time or the rent which the neighbouring lands of similar nature were fetching by capitalizing the said rent according to the prevailing rate of interest, opinion of experts, and agriculture yield basis method, i.e. yield of the acquired land with reference to revenue records and keeping in mind the potential and nature of the land - wet (irrigated), dry and barren (banjar). Normally, where the compensation is awarded on agricultural yield or capitalization method basis, the principle of multiplier is also applied for final determination.

However, the first method, i.e., computation of market value based upon the sale deeds of the lands situated in the vicinity by far remains the best method for the purpose of computation of the compensation payable to the land owners.

5. As held by the Supreme Court in **Panna Lal Ghosh and others versus LAC and others [(2004) 1 SCC 467]**, the most reliable way of determine the market value is to rely on the instances of sale of portion of the same land as has been acquired or adjacent land made shortly before or after the Section 4 notification. The judgments and awards passed in respect of acquisition of land made in the same village and/or neighbouring village in respect of the land notified on or around the time land in question was notified also would be an admissible evidence for the purpose of determining the compensation. As observed by Supreme Court in **Union of India (UOI) v. Pramod Gupta (D) by L.Rs. and Ors.** (2005) 12 SCC 1, such a judgment and award in the absence of any other evidence like the deed of sale, report of expert and other relevant evidence would have only evidentiary value.

It is also settled principle of law that despite Union of India being party to an award of judgment, the principle of *res judicata* would not

apply unless the award or judgment is inter se between the parties. As held by Supreme Court in **Union of India (UOI) v. Pramod Gupta (D) by L.Rs. and Ors.** (2005) 12 SCC 1, even if the Union of India has not preferred any appeal against a judgment and award, it would not be estopped and precluded from resisting the claim in a different proceeding. The same view was taken by the Apex Court in Government of **West Bengal v. Tarun K. Roy** (2004) 1 SCC 347 and **State of Bihar v. Ramdeo Yadav** (1996) 3 SCC 493.

6. As held by Supreme Court in **Kanwar Singh and Others vs. Union of India** (1998) 8 SCC 136, it is for the claimants to prove and demonstrate that the compensation offered by the Collection is not adequate and the same does not reflect the true market value of the land on the date of the notification under Section 4 of the Act. This, according to the Apex Court, could only be done by the claimants by adducing evidence to the effect that on the relevant date, the market value of the land was in question was such at which the vendor and the vendee were willing to sell or purchase the land. The question whether the compensation offered to the land owner reflects correct market value of the land on the date of notification or not, has to be determined on the

basis of the evidence produced before the Court. This principle of law was reiterated by Supreme Court in **Special Land Acquisition Officer vs. Karigowda and Others**, Civil Appeal No. 3838 of 2010, when the Court observed that the onus primarily is on the claimant, which they can discharge while placing and proving on record sale instances and/or such other evidences as they deem proper, keeping in mind the method of computation for awarding of compensation which they rely upon.

This principle was reiterated by Supreme Court even in the case of **Gafar v. Moradabad Development Authority** [(2007) 7 SCC 614] and the Court held as under:

“As held by this Court in various decisions, the burden is on the claimants to establish that the amounts awarded to them by the Land Acquisition Officer are inadequate and that they are entitled to more. That burden had to be discharged by the claimants and only if the initial burden in that behalf was discharged, the burden shifted to the State to justify the award.”

7. The following, in my view, are the broad methods to determine the market value of the acquired land on the date of notification under Section 4 of the Act.

(a) If evidence of bonafide and genuine sale transaction in respect of the acquired land or adjoining similarly situated land in the same village, transacted nearabout the date of notification under Section 4 of the Land Acquisition Act are not available, the Court would be justified in looking for awards/ judgments in respect of the adjoining similarly situated land in the same village, which was notified nearabout the same time when the land in question was notified.

(b) If neither such sale instances nor such awards/ judgments are available, the Court would be justified in relying upon the genuine and bonafide sale transactions in respect of the similarly situated land in adjoining villages provided such transactions took place on or about the time the land in question came to be notified. If such sale instances are not available, the Court would be justified in relying upon the awards/judgments in respect of the land which is similarly situated and was notified on or around the time the land in question was notified.

(c) If there is time lag of more than 4-5 years between the transactions evidenced by the sale deeds produced before the Court and the date on which land in question was notified, the Court may not be justified in relying upon such transactions. Similarly, if the land in an adjoining

village, which was subject matter of an award or decision was notified more than four or five years before the land in question came to be notified under Section 4 of the Land Acquisition Act, it would not be appropriate to rely upon such awards/judgments.

(d) Even if the sale transactions were entered into on or around the time the land in question came to be notified, the person relying upon such sale transactions needs to further establish that the land subject matter of those transactions was similar in situation and potentiality etc to the land in question, at the time it came to be notified under Section 4 of the Act. Similarly, where the reliance is placed upon the award of judgment, it has to be shown that the land subject matter of such an award/ judgment was similar in situation and potential to the land in respect of which the Court is called upon to determine the compensation.

(e) In case reliance is placed upon the awards/judgments in respect of the land in adjoining or nearby village, it has to be shown that such an award or judgment was based upon the evidence of sale instances in that village and was not based upon the award/ judgment given in respect of the land comprised in some other village. If, for example, while determining the compensation in respect of the land situated in Village

‘A’, reliance is placed upon the award/ judgment fixing compensation in respect of the land situated in village ‘B’, it has to be shown by the person relying upon such a judgment/ award that the said award/ judgment was based upon the sale instances of village ‘B’ entered into on or about the time the land in question in village ‘A’ was notified. If, however, the award/ judgment in respect of the land in village ‘B’ was based upon the award/ judgment in respect of the land situated in village ‘C’, it would not be appropriate to rely upon the award in respect of the land situated in village ‘B’ unless it is shown to the Court that the land in village ‘C’ was also adjacent to or adjoining village ‘A’ was similarly situated and had similar potential. Taking any other view would amount to using the sale instances of village ‘C’ for the purpose of determining compensation of the land situated in village ‘A’, though village ‘C’ may not be adjoining or adjacent to village ‘A’. To take an example, if the Court is required to determine compensation in respect of the land situated in village ‘A’ and the award/ judgment relied upon before it is in respect of land situated in adjoining village ‘B’ but the award /judgment given in respect of land in village ‘B’ is based upon the award/judgment given in respect of the land situated in village ‘C’, which is say at a distance of 3 kms from village

‘A’, the compensation fixed in respect of the land situated in village ‘C’ is based upon the compensation fixed for the land in adjoining village ‘D’, which is at a distance of say 6 kms from village ‘A’., accepting such an award/judgment for determining compensation in respect of the land situated in village ‘A’ would amount to treating the land in village ‘A’ at par with the land in village ‘D’ though village ‘D’ is situated at a distance of 6 kms from village ‘A’. It is this kind of comparison which the Supreme Court has disapproved in Kanwar Singh(supra). In that case, the contention of the appellant before the Court was that for their land in Rangpuri, they should be awarded the same compensation as awarded to the land owners of village Masoodpur and Mahipalpur. Rejecting the contention, the Apex Court, *inter alia*, held as under:-

“If we go by the compensation awarded to claimants of adjoining village it would not lead to the correct assessment of market value of the land acquired in the village Rangpuri. For example village 'A' adjoins village 'B', village B adjoins village 'C', village 'C' adjoins village 'D', so on and so form and in that process the entire Delhi would be covered. Generally there would be different situation and potentiality of the land situated in two different villages unless it is proved that the situation and potentiality of the land in two different villages are the same.”

8. The learned Additional District Judge has referred to the judgment passed in LAC 112/1993, **Sumitra Devi versus Union of India** pertaining to Award No.206/1986-87 of Village Aali in respect of the land notified under Section 4 of the Act on 6.4.1964 determining the compensation @ Rs.12,000/- per bigha. He noted that the aforesaid judgment, in turn, was based upon the decision of this Court in RFA titled as **Ranjit versus Union of India** RFA No. 10 of 1972, decided on 29.08.1984, in respect of land notified in Village Badarpur fixing compensation for the land notified in the said village on 6.4.1964.

In **Jagmal vs. Union of India**, RFA No. 383 of 1976, decided on 09.01.1985, this Court determined the compensation in respect of the land in village Aali notified on 12.06.1969 at Rs 17,000/- per bigha. **In Union of India vs. Lekhi** 1992 (47) DLT 19, this court determined compensation at Rs 17,000/- per bigha in respect of the land in village Aali notified on 06.01.1969.

The appellants before this Court have not placed on record any sale deed executed in village Aali on or around 06.04.1964 or within a span of 4-5 years before or after the said date. They have not placed on record any award or judgment in respect of the land notified in village Aali on or

around 06.04.1964 or within a span of 4-5 years before or after the said date. The appellants have not placed on record any sale deed of a village adjoining village Aali executed on or after 06.04.1964 or within a period of 4-5 years before or after the said date. Similarly, they have not placed on record any award or judgment in respect of land notified in an adjoining village on or around 06.04.1964 or within a span of 4-5 years before or after the said date. In these circumstances, the compensation determined by this Court in respect of the land notified in this very village in the year 1969 becomes a relevant evidence which can be used for determining compensation in respect of the land in question after making requisite adjustment for the time lag between 06.04.1964 and the date of notification in the year 1969.

9. The case of the appellants before this Court is based primarily upon the decision of this Court in Babu Lal vs. Union of India, RFA No. 7/1988, decided on 29.05.1988, whereby the market value of the land notified in village Jasola on 06.04.1964 was determined at Rs 28,000/- per bigha. In my view, no reliance on the said judgment can be placed primarily for two reasons. The first reason which dissuades me from relying upon this judgment is that it is not based upon any sale transaction

in village Jasola, but is based solely upon the compensation determined by this Court in respect of land in another village called Bahpur. This is nobody's case that village Bahpur is adjoining, adjacent or even nearby village Aali. Therefore, applying the said judgment to this case would amount to determining the compensation of the land situated in village Aali on the basis of the value of land situated in village Bahpur which is quite far away from village Aali. It is this kind of determination of land value which has been expressly rejected by Supreme Court in **Kanwar Singh** (supra).

The second reason why the decision in Babu Lal (supra) cannot be applied to this case is that there is no evidence of village Jasola being adjacent to or adjoining village Aali. As held by Supreme Court in **Kanwar Singh** (supra), **Karigowda** (supra) and **Gafar** (supra), it is for the claimant to adduce evidence to prove the market value of the land in question on the relevant date, in case he is not satisfied with the compensation offered by the Land Acquisition Collector to him.

As held by Supreme Court in **Panna Lal Ghosh** (supra), for the purpose of determining the market value of the acquired land, the land sought to be compared must be similar in potentiality and nature.

Therefore, it was for the appellants to prove that i) the land acquired in village Jasola, compensation for which was fixed by this Court in the case of **Babu Lal** (supra) was similar in potentiality and nature to the land in question in village Aali at the time it was notified on 06.04.1964. A perusal of the deposition of Ashok Kumar, Halqa Patwari would show that the village Jasola does not touch village Aali at any point and the distance between village Aali and village Jasola is about 3 kilometre. His deposition also shows that though some land of village Aali may be touching the main Mathura Road, the acquired land subject matter of compensation in this case is situated at a distance of 3 kilometre from Mathura Road and no development had taken place in the area of village Aali. He has also stated that the land which has been developed in village Jasola for residential cum commercial purposes is at considerable distance from the acquired land, which is far away from the main road. The only similarity in the land of village Aali and the land of village Jasola, according to this witness, is that both of them are used for agriculture purpose. According to this witness, village Madanpur Khadar is on the northern side of village Aali, village Jaitpur is on its southern side, it touches villages Tehkhand on western side and on the eastern side

it touches the embankment of river Yamuna and land belonging to U.P. Government. A perusal of the plan issued by the Government at the time of Administrative Decision of Delhi, a copy of which has been placed on record by the learned counsel for the respondents would show that village Ali touches village Madanpur Khadar, village Jaitpur and village Molarband. Some part of village Aali also touches village Badarpur and a small part of village touches Saidabad. Therefore, it is only village Madanpur Khadar, village Jaitpur and village Molarband which are really adjacent to village Aali though the boundaries of village Saidabad and village Badarpur touch the boundaries of village Aali. No sale deed executed in village Madanpur Khadar, Jaitpur, Saidabad, Badarpur or Molarband, on or about 06.04.1964 or within a span of 4-5 years from that date has been produced by the petitioners. No award or judgment in respect of the land notified in any of these villages on or about 06.04.1964 or within 4-5 years from that date has been filed by them. On the other hand, as noted by the learned Additional District Judge this Court in the case of **Ranjit vs. Union of India** determined compensation in respect of village Badarpur at Rs 12,000/- per bigha for the land notified on 06.04.1964. In **Union of India vs. Bharat Singh**, RFA No.

254/1978, this Court determined the market value of the land notified in village Molarband on 06.04.1964 at Rs 12,000/- per bigha. In RFA No. 413 of 1977, **Union of India vs. Debi Ram**, decided on 09.12.1991, this Court determined the market value of the land notified on 06.01.1969 in village Aali at Rs 17,000/- per bigha.

10. A parity with village Jasola was expressly rejected by this Court in **Bhule Ram vs. Union of India** 170 (2010) DLT 371, taking the following view:

“29. The submission of the counsel for the appellants that the site plan reflects that acquired land in village Aali was surrounded by Mohan Co-operative Society, Indraprastha Apollo Hospital, Jasola Sports Complex and Jasola Vihar, is contrary to the records. The aforesaid locations mentioned by the counsel for the appellants are about 6-7 kms. away from the acquired land. The distance between Mathura Road and the acquired land at village Aali is also admittedly about 6 kms.

30. The aforesaid position is also borne out from a perusal of the Eicher map, which reflects the topography of the area, and over which there LA.A.No.173/2007 & batch matters Page 23 of 35 is no dispute. Village Aali is bounded by village Madanpur Khadar towards the north and Badarpur to its south. On its east is the Agra Canal and on its west runs Mathura Road. On the other side of Mathura Road is Mohan Cooperative Industrial Area and the outlet of M/s Haldiram, which fall in

village Tehkhand. The site plan relied upon by the counsel for the appellants itself reflects that the acquired land is situated quite far away from Mohan Cooperative Society. Indraprastha Apollo Hospital, Jasola Sports Complex and Jasola Vihar form a part of village Jasola and adjoining to village Jasola is village Madanpur Khadar, whereafter towards it's south, comes village Aali.”

11. Thus, irrespective of whether I apply the decision of this Court in respect of land notified in village Molarband, which is adjacent to village Aali, as on 06.04.1964 or I apply the decision of this Court in **Ranjit** (supra), determining the market value of the land notified in village Badarpur which also is a village adjacent to village Aali or I apply the decisions of this Court in respect of land notified in village Aali itself in the year 1969, the market value of land in village Aali as on 06.04.1964 cannot be said to be more than Rs 12,000/- per bigha.

12. The learned counsel for appellants has referred to **Nand Ram & Ors. versus State of Haryana** 1988 (4) SC 260; **Desho Dass versus UOI** 45(1991) DLT 20(DB); **Mangtoo vs. UOI** 78(1999) DLT, **Sant Singh vs. U.O.I.**, RFA No. 690/1988, **Ram Lal vs. UOI**, RFA No. 230/1983, **Om Prakash vs. UOI**, RFA No. 128/1982, **Babu Ram Sharma vs. UOI**, RFA No. 259/1994, **Mohar Singh vs. UOI** 90 (2001) DLT 416 (DB), **The Special Land Acquisition Officer vs. Narayanana Swaroop**, Civil

Appeal No. 6667-85/1983, Hari Chand vs. UOI 2002 V AD (Delhi) 803, Chandan vs. UOI 48(1992) DLT 202 (DB), Smt. Laxmi Bai vs. UOI 94 (2001) DLT 881 (DB), Bed Ram vs. UOI, LA Appeal No. 59/2007, UOI vs. Khazan Singh, LA Appeal No. 613/2008, Thakarsibhai Devjibhai and Ors vs. Executive Enginner, Gujarat, AIR 2001 SC 2424, G. Prema vs Special Tehsildar, 2010 V AD (SC) 510 and Om Prakash vs. State of Haryana, SLP No. 9743 of 2010

However, considering that neither village Jasola is adjacent or even nearby to village Aali nor have the appellants produced any evidence to independently prove that the market value of the land in village Aali was at par with the market value of the land in village Jasola as on 06.04.1964, none of these judgments is of any help to the appellants.

13. For the reasons stated hereinabove, I find no ground for enhancement of the compensation determined by the learned Additional District Judge. The appeals are devoid of any merit and are hereby dismissed. There shall be no order as to costs.

V.K.JAIN, J

MAY 29, 2013

BG/RD