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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ LA. APP. 65/2014

SURAJ BHAN & ANR.

..... Appellants

Through: Mr. Varun Singh, Advocate.

versus

UOI and ANR.

..... Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocate for R-1.
Ms. Sakshi Vaid, Advocate for
DDA/R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **11.07.2016**

1. This matter is taken up today in view of Notification No.1078/G-4/Genl./DHC dated 6.7.2016.
2. There is no dispute between the parties that the issue of ascertainment/enhancement of compensation as per Section 18 of the Land Acquisition Act has to be done in favour of the appellants in terms of the judgment of the Supreme Court in the cases of ***Impulse India Private Limited v. Union of India and Another*** (Civil Appeal No. 2091/2014) arising out of SLP (C) No. 18883/2012.
3. I have perused the judgment passed by the Supreme Court

dated 13.2.2014 in the aforesaid SLP and the relevant paras of this judgment are paras 5 to 17 and these paras read as under:-

5. These batch of appeals arise out of the impugned judgment(s) and order(s) passed by the High Court of Delhi at New Delhi in L.A.Appeal No. 295 of 2009, dated 06.01.2012 and other connected matters.

6. A notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued by the acquiring authority on 13.12.2000 to acquire large extent of lands for the planned development of Dwarka Phase II in revenue villages Bharthal, Bijwasam, Pochanpur and Dhul Saras. Thereafter a declaration under Section 6 of the Act was issued by a notification dated 7.12.2001.

7. The notice was issued for inviting claims from the interested persons under Section 9 and 10 of the Act. After receipt of the claim, the Land Acquisition Collector has passed four separate awards in respect of the villages: Bharthal, Bijwasan, Pochanpur and Dhul Saras villages in Award Nos. 26, 28, 30 and 27 of 2002-2003 respectively. By the said awards, the Land Acquisition Officer/Collector had fixed the compensation payable to the lands so acquired at the rate of Rs. 13.82 lacs per acre for Block 'A' lands (level field – with top soil) and Rs.12.32 lacs per acre for Block 'B' lands (without top soil) respectively.

8. Aggrieved by the compensation so awarded, the land losers/agriculturists had sought for a reference under Section 18 of the Act before the Reference Court.

9. After registering the reference and after recording the evidence of the parties, the Reference Court has enhanced the compensation for Block 'A' lands at Rs. 15 lacs per acre and for Block 'B' lands at Rs.13.36 lacs per acre. However, the lands situated in Pochanpur village remain excluded from the benefit of the enhancements.

10. The agriculturists/land-loosers approached the High court for enhancement of the compensation so awarded by the Reference Court. The Acquiring Authority also had filed their

cross-objections.

11. The High Court, by its detailed judgment (s) and order(s), has thought it fit to enhance the compensation awarded by the Reference Court by granting an increase of 10% over and above that value determined by the Reference Court from Rs.15/- lacs per acre of Block 'A' lands to Rs. 16.50/- lacs per acre and from Rs. 13.36/- lacs per acre to Rs.14,69,600/- for Block 'B' lands per acre. Aggrieved by the compensation so quantified by the High Court, the land-loosers/agriculturists are before us in these batch of appeals.

12. We have heard Shri Mukul Rohtagi, Shri Guru Krishna Kumar, learned senior counsel and other learned counsel appearing for the respective appellant(s) – claimant(s) and Ms. Rachna Srivastava, learned counsel appearing for the respondent (s)/acquiring authority.

13. We have carefully perused the award(s) passed by the land Acquisition Officer/Collector, the Reference Court as well as the High Court. In our view, the compensation so awarded by the authorities as well as the High Court is on a lesser side. Therefore, keeping in view the peculiar facts and circumstances of the case, and also other factors, we intend to increase the compensation so awarded by the High court for Block 'A' lands from Rs. 16.50/- lacs to Rs. 21/- lacs per acre and from Rs. 14.60/0 lacs to Rs.19/- lacs per acre for block 'B' lands.

14. In the result, we allow the appeals filed by the claimants. we enhance the compensation awarded by the High court for Block 'A' lands from Rs.16.50/- lacs to Rs. 21/- lacs per acre and from Rs.14.60/- lacs to Rs.19/- lacs per acre for Block 'B' lands respectively. This compensation so awarded by us is common to all the lands in Bharthal, Bijwasan, Pochanpur and Dhul Saras villages. Needless to say that the appellants are entitled for all the statutory benefits provided under the provisions of the Land Acquisition Act, 1894.

15. Shri Anand Yadav, learned counsel appearing for the claimant has brought to our notice certain remarks made in paragraph 18 of the impugned judgment and order in L.A.No. 576 of 2008, dated 31st October, 2012. In our opinion, the

said paragraph is wholly unnecessary. Therefore, we expunge paragraph 18 from the said impugned judgment and order.

16. The respondents-authorities shall quantify the amounts payable to the appellants and deposit the same before the Reference Court/Executing Court as early as possible, at any rate, within four months' from the date of receipt of a copy of this Court's order.

17. With these observations and directions, all the Civil Appeals as well as the applications are disposed of.

4. Accordingly, this appeal is allowed and the appellants will be entitled to compensation as per the rate given by the Supreme Court in the judgment dated 13.2.2014. Appellants will also be entitled to all other statutory benefits accordingly under the Land Acquisition Act provided the same are granted as per the judgments with respect the lands arising out of notification under Section 4 dated 13.12.2000 and for village Dool Siras.

5. Appeal is accordingly allowed and disposed of in terms of the aforesaid observations.

VALMIKI J. MEHTA, J

JULY 11, 2016

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