

\$~8

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

+ **LA.APP.681/2011**

Date of Decision: 25.05.2016

NANDROOP

..... Appellant

Through Mr.Raghuvinder Goda, Adv.

versus

UNION OF INDIA

..... Respondents

Through Mr.Sanjay Kumar Pathak,
Mr.Sunil Kumar Jha,
Mr.Kushal Raj Tater, Adv. for
UOI/LAC/L&B.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ASHUTOSH KUMAR, J. (ORAL)

CM Appln. 13359/2016

1. This is an application for early hearing of the case. Though notice was issued in the application but there is no written response of the respondent/UOI to the application.
2. Mr.S.K. Jha, proxy to Mr.S.K. Pathak, learned counsel for the UOI submits that in view of the order passed by the Hon'ble Supreme Court of India in *Civil Appeal No.824/2013 (Nand Roop vs. UOI & Anr.)*, he would have no objection if the land acquisition appeal is heard expeditiously and on priority basis.

3. The application is allowed. With the consent of the parties, the LA.APP.681/2011 is being taken up today i.e. 25.05.2016.

LA.APP.681/2011

1. The present land acquisition appeal is directed against the judgment dated 05.05.2010 passed by the learned ADJ-01, Dwarka Courts, New Delhi, in LAC No.186/09/06 (Om Prakash & Ors. vs. UOI & Anrs.) in respect of land acquired in village Pochanpur, Delhi vide award no.30/2002-03.

2. A notification under Section 4 of the Land Acquisition Act (for short the 'Act') was issued for the acquisition of lands falling in various villages including village Pochanpur in which the land of the appellants fell on 13.12.2000. Thereafter, declaration under Section 6 and 17(1) of the Act were issued vide notification dated 07.12.2001 and 15.03.2002 respectively. The land of the appellants was acquired on 11.09.2002.

3. The Land Acquisition Collector, after completing all the formalities issued award No.186/09/06, whereby the compensation payable was fixed at the rate of 13.82 lakhs per acre.

4. The appellants were not satisfied with the market value assessed by the land acquisition collector and accordingly preferred a reference petition under Section 18 of the L.A. Act before the land acquisition collector for enhancement of compensation. The aforesaid application was referred to the Trial Court for proper determination of the market value of the acquired land.

5. The Reference Court vide judgment dated 05.05.2010 dismissed the reference holding that the appellants are not entitled to any further enhancement of compensation.
6. The Reference Court, in other references however, enhanced the compensation for some of the lands which were acquired but such enhancement was not applicable for the lands situated in Pochanpur village where the land of the appellants was situated. Other agriculturists/ land losers, thereafter, approached the High Court for enhancement of compensation.
7. Vide order dated 28.08.2012, the Delhi High Court dismissed the appeal on the ground of delay and laches. As against the aforesaid order passed by the Delhi High Court, the appellant went in appeal vide SLP (Civil) No.824/2013.
8. After condoning the delay, the Supreme Court vide order dated 27.03.2014 in *SLP (Civil) No.824/2013 in Nand Roop vs. UOI & Anrs.* remanded the matter to the High Court to re-consider the appeal filed by the claimant/appellant on merits and in accordance with law without reference to the period of limitation.
9. The present appeal has come up for consideration on such order of remand.
10. The land of the appellant fall in village Pochanpur which was acquired along with all other three villages.

11. The Apex Court in *Civil Appeal No.2091/2014 (SLP(C) No.18883/2012; Impulse India Pvt. Ltd. Vs. Union of India and Another)* found that the compensation awarded to the land losers was on the lesser side.

12. Thus, keeping in view the peculiar facts and circumstances of the case as also other factors, the Supreme Court increased the compensation so awarded to 21 lacs and 19 lacs for Block A and Block B lands respectively. The aforesaid enhanced compensation was held to be common to all the lands of villages Bharthal, Bijwasan, Pochanpur and Dhul Saras villages. The appellants therein were also found to be entitled to all the statutory benefits provided under the provisions of the Land Acquisition Act.

13. The case of the appellants is covered by the judgment of the Supreme Court delivered in *Civil Appeal No. 2091/2014 (SLP(C) No.18883/2012) (Impulse India P. Ltd. vs. Union of India & Anr.)*. This fact is not disputed by the respondents.

14. The appeal is thus disposed of in terms of the judgment referred to above namely *Impulse India Pvt.Ltd vs. Union of India & Anr delivered on 13.02.2014 in Civil Appeal No.2091/2014 (SLP (C) No.18883/2012)*.

ASHUTOSH KUMAR, J

MAY 25, 2016

ab