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

+ LA.APP. 141/2017

VIDYA DEVI (D) THR LEGAL HEIRS Appellant
Through : Mr. S.K. Yadav, Adv.

versus

UNION OF INDIA & ANR Respondents
Through :Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Adv. for respondent no. 1
Mr. Arjun Pant, Adv. for DDA

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

% **ORDER**
15.05.2017

C.M. Appl. No. 18174/2017 (condonation of delay)

Delay of 178 days condoned. Application is disposed of.

LA.APP. 141/2017

Appellant is legal representative of Late Smt. Vidya Devi. 4 bighas and 8 biswas of land of Late Smt. Vidya Devi, forming part of khasra no. 28/3 min. (4-08) situated in the revenue estate of Village Alipur, Delhi, was acquired, vide a notification dated 22nd August, 2001 issued under Section 4 of the Land Acquisition Act, 1894 (“the Act”, for short), for the public purpose, namely, “construction of 100 meter wide road in Narela Freight

Complex under PDD” by the Government. Award no. 15/2003-04 was passed. Land Acquisition Collector determined the market value of the land @ ₹15,70,000/- per acre or ₹3,27,083/- per bigha.

Appellant claimed enhancement under Section 18 of the Act. After trial the reference court has dismissed the reference on the ground that no evidence was led by the appellant necessitating the enhancement of rates. It is noted that the appellant was substituted as LR of Late Smt.Vidya Devi by the trial court during the pendency of the petition under Section 18 of the Act.

That is how, appellant is before this Court by way of present appeal.

Learned counsel for the appellant submits that present case is totally covered by the judgment rendered by a Bench of coordinate jurisdiction vide judgment dated 23rd August, 2011 passed in a LA App. No. 266/2008 titled Jai Singh vs. Union of India & Anr. reported in MANU/DE/3169/2011. In respect of the land acquired in Village Alipur vide same notification and Award the learned Single Judge has held thus:-

“78. With reference to the notification dated 9.8.2001 wherein with effect 1.4.2001 minimum price notified per acre is ₹15.70 lacs 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 Ali Pur 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 meagre ₹9,000/- per acre and thus qua Category 'B' land I maintain the amount awarded by the learned Reference Court.

79. All Land Acquisition Appeals filed by the Union of India in respect whereof grid has been prepared and labelled as 'GRID-H' hereinabove are dismissed. I note that land owners have not filed any appeal challenging the decision of the

Reference Court.

80. There shall be no order as to costs.”

In my view, learned ADJ ought to have awarded the same rates as have been awarded in Jai Singh (supra) in respect of the land of the petitioner situated in Village Alipur and acquired vide the same notification, wherein same award is involved. Accordingly, following the aforesaid judgment dated 23rd August, 2011 passed in the case of Jai Singh (supra), present appeal is also disposed of on the same grounds by granting the same relief to the appellant which was granted to the other persons, whose land situated in Village Alipur, was acquired by the Government vide the same notification for the same purpose.

Decree-sheet be drawn. Appeal is disposed of.

A.K. PATHAK, J.

MAY 15, 2017

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