

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment reserved on :29.11.2018

Date of decision :17.12.2018

L.A.APP 267/2015

UNION OF INDIA

..... Appellant

Through: Mr. Yeeshu Jain, Advocate with
Ms.Jyoti Tyagi, Advocate.

versus

SANJAY KR. AGARWAL & ANOTHER

..... Respondents

Through: Mr. Kartik Jindal & Ms. Stuti
Karwal, Advs. for DDA.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT

ANU MALHOTRA, J.

L.A.APP 267/2015

1. The appellant i.e. Union of India vide the present appeal L.A.APP 267/2015 assails the judgment and decree dated 25.11.2013 of the learned Additional District Judge-01, Rohini Courts, Delhi in LAC No.394-A/12 qua award No.11/2002-03 whereby the reference under Section 18 of the Land Acquisition Act, 1894 filed by the respondent no.1 herein seeking enhancement of compensation of the acquired land mentioned in reference under Section 18A of the Land Acquisition Act, 1894, situated in the revenue estate of village Khera Kalan, Delhi measuring 1178 Bigha 7 Biswa at Khera Kalan which was

acquired by the Government for public purposes namely “Rohini Residential Scheme” Phase IV & V with the petitioner being the owner/bhumidar of the land bearing Khasra No.94/10 min (1-4), total measuring 1 bighas and 04 biswas situated in the revenue estate of Village Khera Kalan, Delhi with the notification under Section 4 of the Land Acquisition Act, 1894 having been issued on 27.10.1999 No. F.10(29)/96/L&B/LA/11394 and the declaration under Section 6 of the Land Acquisition Act, 1894 bearing No. F.10(29)/96/L&B/LA/20 having been made on 03.04.2000 with the award having been announced on 30.05.2002, whereby the Land Acquisition Collector determined the market price of the acquired land at Rs.12.16 lakhs per acre, was allowed and the respondent no.1 herein was held entitled to the reliefs of market value of the land at Rs.12,96,455.89/- per acre in terms of Section 19 of the Land Acquisition Act, 1894 apart from the additional amount under Section 23(1A) at the rate of 12% per annum of the market value from the date of notification under Section 4 of the Land Acquisition Act, 1894 till date of award or dispossession whichever was earlier and solatium under Section 23(2) of the Land Acquisition Act, 1894 at the rate of 30% on the enhanced amount of compensation with interest under Section 28 of the said enactment at the rate of 9% per annum for the first year and 15% for the subsequent year till the making of payment of enhanced compensation awarded by the Court and by the Land Acquisition Collector.

2. The learned Reference Court based its finding on its own verdict in “*Shashi Aggarwal & Anr. Vs. Union of India*” in LAC 111A/09

which pertains to the same village with the same notification and same award by which the land of the petitioner was acquired and it was observed vide the impugned judgment dated 25.11.2013 in LAC No.394-A/12 that the judgment was based on the findings of this Court in ***“Hem Chander Malik Vs. Union of India”*** in LAC 358/2007 decided on 26.09.2011.

3. Through the appeal filed by the appellant, it was submitted that the verdict in ***“Shashi Aggarwal &Anr. Vs. Union of India”*** (supra) was to be assailed before this Court or before the Supreme Court and it is essential to observe that L.A.APP.223/2013 filed by the appellant in the said case against order in LAC 111A/2009 in ***“Shashi Aggarwal &Anr. Vs. Union of India”*** has been dismissed, it having been observed to the effect that the said order suffered from no infirmity or illegality as it granted compensation at par with compensation granted to similarly situated persons in LAC 358/2007 in the case ***“Hem Chander Malik Vs. Union of India”*** decided on 26.09.2011 by the Co-ordinate Bench of this Court.

4. The respondent no. 2 has supported the contentions of the appellant.

5. There is thus no merit in the appeal. The present appeal **L.A.APP 267/2015** is dismissed.

ANU MALHOTRA, J

DECEMBER 17, 2018/NC