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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
LA.APP. 179/2016
DEEPIJOT SINGH Appellant

Through: Mr. Mahesh Kumar Mehta, Adv.

Versus

UNION OF INDIA & ANR Respondents

Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha, Mr. Kushal Raj Tater &
Mr. M.S. Akhtar, Adv. for UOI.
Mr. Anuj Aggarwal, Adv. for
GNCTD.

AND

+ LA.APP. 232/2017
UNION OF INDIA

..... Appellant

Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha, Mr. Kushal Raj Tater &
Mr. M.S. Akhtar, Adv. for UOI.

Versus

DEEPIJOT SINGH & ANR Respondents

Through: Mr. Mahesh Kumar Mehta, Adv. for
R-1.
Mr. Anuj Aggarwal, Adv. for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.07.2018**

1. These cross appeals, both under Section 54 of the Land Acquisition Act, 1894, impugn the judgment [dated 10th May, 2016 of the Court of Additional District Judge-02, West District, Delhi] in a reference under Section 18 of the Act being LAC No.8/10/2001 (Unique Case ID No.02401C5880852004) holding the appellant in LA.APP. No.179/2016 to

be entitled to compensation for his land in village Tikri Kalan, Delhi at the rate of Rs.2,35,815/- per acre for 'A' category land and at the rate of Rs.1,90,156/- per acre for 'B' category of land.

2. The Trial Court record was requisitioned and the appeals admitted for hearing.

3. The counsel for Union of India (UOI) and the counsel for respondent no.2 Director of Education (DOE), being the beneficiary of the acquired land, state (i) that the impugned judgment is based on the dicta of this Court in LA.APP. No.193/2006 titled ***Pratap Singh Vs. UOI*** pertaining to the same award of the same village as evident from para no.39 of the impugned judgment; (ii) that the land owners as well as UOI had preferred Special Leave Petitions to the Supreme Court against the said judgment; and, (iii) the SLP(C) No.34388/2009 titled ***Pratap Singh Vs. UOI*** as well as the SLPs preferred by UOI were dismissed in *limine* by the Supreme Court vide order dated 19th April, 2010. It is thus contended that with the judgment dated 19th December, 2008 of this Court in ***Pratap Singh Vs. UOI***, the rate of land stands finally settled and both appeals have to be dismissed.

4. The counsel for the appellant in LA.APP. No.179/2016 though does not controvert the aforesaid aspect but states that he has in this appeal besides impugning the rate at which compensation was awarded by Reference Court, also challenged the categorization of his land in category 'A' and category 'B'. It is stated that the entire land of the appellant is in category 'A' and the respondents have wrongly categorized some part of the land in category 'B'. It is yet further contended that the appellant is also entitled to interest and other benefits.

5. In this view of the matter, LA.APP. No.232/2017 in which UOI was challenging the impugned judgment merely on the ground of SLP against ***Pratap Singh Vs. UOI*** pending before the Supreme Court, is dismissed.
6. However, as far as LA.APP. No.179/2016 is concerned, the counsel for the appellant seeks adjournment.
7. The counsel for the respondent UOI draws attention to paras no.38 and 41 of the impugned judgment and states that there is a finding of the Reference Court of the appellant having failed to establish that all his land falls in category 'A'.
8. It is deemed appropriate to grant an opportunity to the counsel for the appellant to show that the finding of the Reference Court in para no.38 is erroneous.
9. List on 13th November, 2018.
10. The amount deposited in LA.APP. No.232/2017 together with interest if any accrued thereon be released to the respondent no.1 Deepjot Singh.
11. It is pointed out that some further amount of about Rs.3 lacs is payable to the appellant in LA.APP. No.179/2016.
12. The counsel for DOE states that though a cheque was prepared in favour of the Registrar General of this Court for the said amount but the same has lapsed.

13. The deficient amount be paid directly to the appellant Deepjot Singh.
14. The Trial Court Record received in LA.APP. No.232/2017 be retained in LA.APP. No.179/2016.

RAJIV SAHAI ENDLAW, J

JULY 16, 2018
'gsr'..