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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LA.APP. 248/2018**

RAMPHAL & ANR Appellants
Through: **Mr.M.C.Verma, Advocate**

versus

UNION OF INDIA & ANR Respondents
Through: **Ms.Jyoti Tyagi, Advocate for R-1**
None for R-2/ the beneficiary on
advance notice

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **21.12.2018**

Along with the appeal is CM No.54499/2018, an application filed on behalf of the appellant seeking condonation of 3956 days' delay in filing the appeal.

The appellant assails the impugned award dated 12.2.2108 of the learned Additional District Judge, Delhi in LAC No.245/2005 vide Award No. 2/2004-05 in relation to the land of appellants acquired vide notification No.F-11(81)/2000L&B/LA/1318 dated 6.2.2003 and 17.10.1996 under Section 4, 6 and 7 of the Land & Acquisition Act, 1894 qua the land measuring 265 bighas and 01 biswas of which the petitioners were bhumidars/owners of the land in Khasra No. 324(4-16) and 325 (5-15) total measuring 10 bigha 11 biswas situated in Revenue estate of village Sawda, New Delhi.

Vide the said award, the claim of the petitioners, the appellants herein, seeking enhancement of compensation in relation to which the

Land & Acquisition Collector had awarded compensation at the uniform rate of Rs.15,70,000/- per acre on the entire acquired land in addition to the proposed compensation and interest was declined.

It has been submitted on behalf of the appellants and not refuted on behalf of the respondent Union of India and rather the learned counsel for the respondent Union of India has fairly placed on record a copy of the order dated 13.12.2018 of this Court in LA. APP no. 212/2018 qua the same notification in relation to the land acquired in village Ghevra which brings forth the submissions of the appellant herein that in terms of the verdict of this Court in LA APP No. 193/06 in *Pratap Singh (through LRs) v. UOI & Ors.*, and in terms of the verdict of this Court in *Chiranjilal V. Union of India & Ors.*: LA APP 489/2008, the compensation as fixed by the Land & Acquisition Collector has been enhanced @ Rs.4,03,425/- per bigha apart from the solatium granted in terms of Section 23(1A) and Section 23(2) of the Land & Acquisition Act, 1894 as also interest under Section 28 of the Land & Acquisition Act, 1894 though there has been no payment of any interest awarded for the period of delay in filing the appeal. In the said case referred to herein above i.e. LA. APP 212/2018, also there was a delay 3916 days in institution of the appeal, for virtually the same reasons as detailed in the present appeal accompanied with CM No.54499/2018 vide which it has been submitted on behalf of the appellants that they learnt of the enhancement awarded in *Chiranjilal* (supra) only sometime on 25.10.2018 whereafter only the present appeal could be filed.

Taking into account that the appellants are similarly situated to

other litigants in LA No.289/2017, 290/2017, 291/2017, and taking into account the CM no. 31855/2017, 31857/2017 and 31859/2017 respectively therein as well as, the application seeking condonation of delay bearing No. 46119/2018 in LA APP No. 212/2018 had been allowed, on a parity of reasoning on a consideration of the submissions made and the contents of the appeal, the compensation in the instant case as awarded by the Land & Acquisition Collector @ Rs.15,70,000/- per acre, which was declined to be enhanced vide the impugned award is enhanced @ Rs.4,03,425/- per bigha in terms of the verdict of *Chiranji Lal vs. Union of India & Ors.* LA. APP 489/2008 with the statutory solatium granted in terms of Section 23(1A) and 23(2) of the Land & Acquisition Act, 1894 as also interest under Section 28 of the Land & Acquisition Act, 1894 though there will be no payment made on the interest on the delay in filing the appeal. The delay is however condoned subject to payment of costs of Rs.35,000/- by the appellant to the respondent No.1.

The decree is directed to be drawn up after the receipt of payment of costs of Rs.35,000/- by the appellants to the respondent No.1 being placed on record.

The appeal and its accompanying application are disposed of accordingly.

ANU MALHOTRA, J

DECEMBER 21, 2018/SV