

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

Judgment reserved on :30.10.2018

Date of decision : 27.11.2019

+ LA.APP.51/2016
PARAMJEET SINGH SURI Appellant

Through: Ms. Disha Singh, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Sanjay Kumar Pathak, Adv.
for UOI.
Mr. Karan Sharma, Adv. for
DDA.

+ LA.APP.251/2013
SMT. JAGRATI DEVI Appellant

Through: Mr. L.B. Rai, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Yeeshu Jain, Adv. for UOI.

+ LA.APP.322 /2013
SURESH KUMAR & ORS. Appellants

Through: Ms. Disha Singh, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: None.

+ LA.APP.349/2015

PARHLAD SINGH & ORS. Appellants

Through: Mr. L.B. Rai, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Yeeshu Jain, Adv. for UOI.
Mr. Kartik Jindal, Adv. For
DDA.

+ LA.APP.391/2015

BHIRKHE RAM & ORS. Appellants

Through: Mr. L.B. Rai, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Yeeshu Jain, Adv. for UOI.

+ LA.APP.13/2014

RAJ SINGH Appellants

Through: Mr. L.B. Rai, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Yeeshu Jain, Adv. for UOI.

+ LA.APP.323/2013

RAMESH CHANDER & ORS. Appellants

Through: Ms. Disha Singh, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through:

+ LA.APP.28/2014

SURENDER VERMA & ORS. Appellants

Through: Mr. L.B. Rai, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Yeeshu Jain, Adv. for UOI.
Mr. Kartik Jindal, Adv. For
DDA.

+ LA.APP.341/2014

BALWAN SINGHAppellant

Through: Mr. L.B. Rai, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Sanjay Kumar Pathak, Adv.
for UOI.
Mr. Kunal Sharma, Adv. For
DDA.

+ LA.APP.395/2015

SHRI BHAGWAN DECD THR LRSAppellant

Through: Mr. Disha Singh, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Yeeshu Jain, Adv. for UOI.

+ LA.APP.170/2013

SUSHIL KUMARAppellant

Through: Mr.L.B. Rai, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Yeeshu Jain, Adv. for UOI.
Mr. Kunal Sharma, Adv. for
DDA.

+ LA.APP.309/2013

DHARAM PAL & ORS. Appellants

Through: Ms. Disha Singh, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Sanjay Kumar Pathak, Adv.
for UOI.

+ LA.APP.252 /2013

HARDWARI LAL &ARS. Appellants

Through: MR. L.B. Rai, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Yeeshu Jain, Adv. for R-1.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT

ANU MALHOTRA, J.

All these appeals have been taken up together for consideration in as much as they raise substantially the same issue whereby all the appellants herein seek enhancement of compensation beyond that already granted by the learned Reference Court to each of them in terms of the verdict of this Court in *Jamna Vs. Union of India* in LA. APPL.784/2005 decided on 08.07.2011.

CM No.8409/2019 in LA.APP.51/2016(Condonation of Delay)

1. This is an application filed on behalf of the appellant under Section 5 of the Limitation Act, 1963 submitting to the effect that the appeal could not be filed by the applicant as he was under a wrong impression that in as much as he had got compensation as per the verdict of this Court in *Jamna Vs. Union of India* in LA. APPL.784/2005 decided on 08.07.2011, he could not file any further appeal. Submissions were made on behalf of the respondent/ Union of India in relation thereto.

2. In the interest of justice, though undoubtedly, there has been a gross delay in seeking redressal against the impugned judgment dated 12.02.2014 of the learned Reference Court of the ADJ-02 (West), THC in LAC No.48/2013, it is considered appropriate to condone the delay in filing the appeal, which is thus condoned.

LA.APP.51/2016

1. As regards the prayer made by the appellant through the present appeal seeking enhancement of compensation qua the land measuring 1 Bighas 1 Biswas 10 Biswanshi falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F10(29)2004/L&B/LA/3338 dated 17.06.2005 in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 31.05.2006 and the formal award was pronounced by the Land Acquisition Collector on 31.05.2007 and compensation @ Rs.15.70 lakhs per acre in respect of the acquired land was ordered to be paid to the appellant herein which vide the order dated 12.02.2014 of the learned Reference Court of the ADJ-02 (West), THC was enhanced and it was held that the appellant was entitled to be paid compensation @ Rs.4,98,589/- per bigha i.e. Rs.23,93,227.20 per acre for the acquired land in question apart from he being granted enhancement in the compensation along with 30% solatium and he was also held entitled to the additional amount of 12% per annum from the date of notification till the date of award i.e. from 17.06.2005 to 31.05.2007.
2. The appellant herein vide the impugned judgment was also held entitled to interest @ 9% p.a. for the first year from the date of taking

possession of the land in question and @ 15% for the subsequent years till the entire payment of the compensation was made as per Section 28 of the Land Acquisition Act, 1894 with the appellant herein having been held entitled to statutory benefits in accordance with the judgment of the Hon'ble Supreme Court in ***Sunder Vs. Union of India 93 (2001) DLT 569.***

3. The appellant however submits that the learned Reference Court has not taken into consideration the sale deed produced on record by the appellant Ex.PW1/1 to PW1/4 and as per the sale deed, the land in question could easily fetch a rate of Rs.19,20,000/- per acre in the year 1999 and the other sale deeds of village Mundka of the year 2004 also, which would even indicate that the land in question could easily fetch a rate of Rs.51,89,189/- per acre and it was submitted on behalf of the appellant that the said sale deeds were those nearest available to the date of the Section 4 notification and the best piece of evidence available in determination of the market value of the land. The appellant submitted further that the learned trial Court having not considered the sale deed of the adjoining village of Bakkarwala and adjoining village of Mundka had thus committed a serious error in law.

4. *Inter alia* the appellant placed reliance on award no.02/DC(West)/2011-12 in relation to the land acquired in Village Mundka, West, Delhi notified under Section 4 of the Land Acquisition Act, 1894 on 28.05.2009 vide Notification No.10(40)/08/L&B /LA/2103 and in relation to which, the declaration dated 29.04.2010 was issued vide notification under Section 6 of the Land Acquisition

Act, 1894 vide notification no.F.10(40)/08/L&B/LA/1441 dated 29.04.2010 whereby reference was made to a policy announcement which came into effect from 18.12.2007 whereby the Government of National Capital Territory of Delhi fixed the minimum price of agricultural land at Rs.53 lakhs per acre for the acquisition of the agricultural land that had been notified vide order No.F.9(20)/L&B/LA/15065 dated 24.01.2008.

5. Likewise, reliance was placed on Award no.03/DC(W)/2011-12 of the Village NangloiJat to contend to similar effect as well as on Award No.01/DC(W)/2012-13 in relation to village Mundka wherein notification under Section 4 of the Land Acquisition Act, 1894 was issued vide Notification No.F.10(8)/2011/L&B/LA/15672 dated 10.02.2012 and the declaration under Section 6 of the Land Acquisition Act, 1894 was issued on 11.05.2012 to contend to similar effect that in terms of rates fixed by the Government of NCT of Delhi vide order dated 24.01.2008 the market value of the land was assessed at Rs.53 lakhs per acre or Rs.11,04,166.66/- per bigha.

6. Similarly reliance was placed on behalf of the petitioner on Award No.2/DC(W)/2010-11 West Delhi in relation to Village Tikri, Award No.2/DC(W)/2010-11 dated 18.02.2011 in relation to Village Tikri Kalan, in which the market value of the land of Tikri Kalan was assessed to be Rs.59,30,773/- per acre.

7. The Union of India vehemently opposed the prayer made by the petitioner submitting to the effect that the petitioner vide the impugned order of the learned Reference Court has already been granted enhanced compensation @ Rs.23,93,227.20 per acre for the acquired

land in question on the basis of notification dated 31.05.2006 vide which the land in question was declared notified in terms of Section 4 of the Land Acquisition Act, 1894 vide Notification No.F.10(29)/04/L&B/L-A-/3338 dated 17.06.2005 for the purpose of 100 mtrs R/W Link Road, connecting National Highway No.10 to Dwarka sub-City in village Mundka-Bakkarwala and it was submitted on behalf of the Union of India that several acquisition appeals in term of the said notification have been disposed of by this Court on the basis of the verdict of this Court in ***Jamna Vs. Union of India*** in LA.APPL.784/2005 dated 08.07.2011 which vide para 33(3) has held that for the land situated in village Mundka, the fair market value is fixed at Rs.4,98,589/- per bigha i.e. Rs.23,93,227.20 per acre as on 17.06.2005.

8. The proceedings dated 03.08.2018 of the learned Predecessor of this Court are categorical to the effect:

“1. This appeal under Section 54 of the Land Acquisition Act, 1894 impugns the judgment [dated 12th February, 2014 in LAC No.48/2013 – (Unique Case ID No.02401C0327452013) of the Court of Additional District Judge (West)-02] in a reference under Section 18 of the Act determining the compensation payable to the appellant for acquisition of land in village Mundaka at Rs.23,93,227.20 paise per acre in terms of Jamna Vs. Union of India 2011 SCC OnLine Del 2767 and other connected appeals and Special Leave Petitions preferred whereagainst had been dismissed.

2. The counsel for the appellant states that this Court, today also, in LA.APP. Nos.436/2015 & 473/2015 pertaining to other land in the same village, has followed the compensation determined in Jamna supra.

3. However, the contention of the counsel for the appellant in this appeal is that the Government of NCT of Delhi, vide Circular dated 24th January, 2008, has fixed the minimum price of agricultural land for the purpose of acquisition thereof, at Rs.53,00,000/- per acre with effect from 18th December, 2007. It is argued, that the notification under Section 4 of the Act pursuant to which the land of the appellant has been acquired is dated 17th June, 2005 i.e. of a date two years and six months prior to the date from which the Circular dated 24th January, 2008 came into effect. The counsel for the appellant argues that thus the difference in the rate which has been awarded in Jamna supra and which has been followed for awarding compensation to the appellant and the rate vide Circular dated 24th January, 2008 is of Rs.29,06,772.80p per acre. It is suggested that there could possibly not have been such a mammoth increase in market value of land within a period of two years and six months. It is further argued that the Courts generally have applied the principle of 10% appreciation or 10% depreciation every year and following the said principle also, the compensation to which the appellant is entitled to in terms of Circular dated 24th January, 2008, is at the rate of Rs.39,75,000/- per acre instead of that awarded of Rs.23,93,227.20p per acre.

4. I have enquired from the counsel for the appellant (i) whether not the Circular dated 24th January, 2008 represents the political will of the government of the day and not market value of the land which forms the criteria for determination of compensation; (ii) once the Circular itself is with effect from 18th December, 2007, how can it be given effect from a date prior thereto; (iii) the Circular does not state in exercise of which statutory or other power it has been issued; it also does not state that prior to issuance thereof any study had been done of the market value, as is required to be done under the Stamp Act and the Rules framed thereunder and under the Municipal Acts and Rules framed thereunder for

prescribing the circle rates; thus how can it be said to be on the basis of market value, within the meaning of Section 23 of the Act; (iv) whether not the principle of constructive res judicata, would apply, the market value of land in village Mundaka on the date of Notification dated 17th June, 2005 having been determined by the Courts at Rs.23,93,227.20pper acre; (v) whether not prescribing a different rate in this appeal would lead to owners of other land acquired vide same award applying to the Courts

for parity with this case; (vi) whether any earlier notifications, similarly issued, were applicable on the date of issuance of the Notification dated 17th June, 2005; and, (vii) whether such circulars have been relied upon in determining the compensation awarded with respect to any land in any of the judgments of the Supreme Court or of this Court.

4. The counsel for the respondent has also contended that the appellant, before the Reference Court, did not even rely on the Circular aforesaid and if had relied thereon, then enquiry would have been done.

5. The counsel for the respondent to on the next date of hearing, produce before this Court the circular(s) if any applicable on the date of Notification dated 17th June, 2005 and the award with respect to the land awarding compensation at the rate of Rs.15,70,000/- per acre and any other relevant material.”

9. It is essential to observe that the Circular Dated 18.12.2007 which has been relied upon on behalf of the petitioner is effective from 18.12.2007 and thus apparently cannot come into effect from date prior to the same. Furthermore, in terms of the verdict of this Court in **Jamna (Supra)** pursuant to notification dated 17.06.2005, this Court has determined the market value of the land in Village Mundka on the date of notification dated 07.03.2005 at

Rs.23,93,227.20/- per acre and even on the date 03.08.2018 when this appeal was taken up for consideration in LA.APP.Nos.436/2015 & 473/2015 in relation to the land falling within the area of Village Mundka, compensation was determined by this Court in terms of the verdict of this Court in *Jamna (Supra)* and thus, it is not open to this Court to re-determine the rate of compensation payable or to re-assess the market value of the land falling in Village Mundka as on the date of notification of acquisition under Section 4 of the LAC Act, 1894 i.e. 17.06.2005 at beyond Rs.23,93,227.20/- per acre as already determined.

10. Furthermore, it cannot be overlooked that in terms of Section 23(1) of the LAC Act in the first parameter thereof in determining the amount of compensation to be awarded for land acquired under the LAC Act, the Court shall take into consideration the market value of **the land at the date of the publication of the notification under Section 4 (1) of the LAC Act, 1894**, which thus has to be the date for determination of the market value. Taking the same into account, the subsequent circular issued in the year 2007 by the Government concerned cannot affect the rate of market value of the land from the date of the notification under Section 4 of the LAC Act, 1894 which in the instant case has been upheld in *Jamna (Supra)* by this Court at being Rs.23,93,227.20/- per acre as on 17.06.2005 as being a fair market value of the land situated in Village Mundka i.e. Rs.4,98,589/- per bigha.

11. Furthermore, in as much as there are several land owners who have been granted compensation in terms of the verdict of this Court

in *Jamna (Supra)*, the verdict in which continues to operate in view of there being no reversal thereof at any stage, it would be unfair and inequitable to all other litigants who have since been granted compensation in terms of the verdict in *Jamna (Supra)* to consider the prayer made by the appellants herein for enhancement of compensation on the basis of the Circular dated 18.12.2007 which came into effect only on that date and thus can have no retrospective application. As there is nothing to indicate that the order in *Jamna (Supra)* has been reversed and in the instant case, the learned Reference Court has also awarded the compensation in terms of the verdict in *Jamna (Supra)* in view of the verdict of this Court in *Nand Ram & Ors. Vs. The State of Haryana 1988 (4) SC 260*, there is no merit in the appeal.

12. The appeal is thus dismissed.

LA.APP.251/2013

1. The appeal is within time.
2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 26.08.2013 in LAC No.32/2013 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.
3. For reasons detailed therein, in view of the verdict of this Court in *Jamna Vs. Union of India* in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of *Jamna Vs. Union of India (Supra)* with there being no reversal of the said verdict, the findings in *Jamna Vs. Union*

of India (Supra) vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 2 bighas 7 biswas falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F10(29)2004/L&B/LA/3338 dated 17.06.2005, which is the same notification as considered at the time of adjudication in LA.APP.51/2016, in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 31.05.2006.

4. In view thereof, the appeal is dismissed.

LA.APP.322 /2013

1. The delay of 288 days in institution of the appeal has already been condoned vide order dated 09.01.2014.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 26.11.2012 in LAC No.60/2011 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in *Jamna Vs. Union of India* in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of *Jamna Vs. Union of India (Supra)* with there being no reversal of the said verdict, the findings in *Jamna Vs. Union of India (Supra)* vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 3 bighas 14 biswas falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition

Act, 1894 vide notification bearing no.F10(29)2004/L&B/LA/3338 dated 17.06.2005, which is the same notification as considered at the time of adjudication in LA.APP.51/2016, in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 31.05.2006.

4. In view thereof, the appeal is dismissed.

LA.APP.349/2015

1. The delay of 796 days in filing of the appeal has already been condoned vide order dated 03.08.2015.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 22.12.2012 in LAC No.124 /2011 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in ***Jamna Vs. Union of India*** in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of ***Jamna Vs. Union of India (Supra)*** with there being no reversal of the said verdict, the findings in ***Jamna Vs. Union of India (Supra)*** vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 39 bighas 06 biswas falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F11(19)2001/L&B/LA/20112 dated 21.03.2003 for the purpose of Rohini Residential Scheme and in terms of the verdict of in ***Jamna Vs. Union of India (Supra)*** vide para 33(ii), the fair market of the land situated in village Mundka was fixed

at Rs.4,03,425/- per bigha i.e. Rs.19,36,440/- per acre as on 21.03.2003.

4. In view thereof, the appeal is dismissed.

LA.APP.391/2015

1. The delay of 877 days in filing of the appeal has already been condoned vide order dated 17.12.2015.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 30.01.2013 in LAC No.125/2011 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in *Jamna Vs. Union of India* in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of *Jamna Vs. Union of India (Supra)* with there being no reversal of the said verdict, the findings in *Jamna Vs. Union of India (Supra)* vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 26 bighas 08 biswas falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F11(19)2001/L&B/LA/20112 dated 21.03.2003 for the purpose of Rohini Residential Scheme in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 19.03.2004 and formal award was announced on 27.01.2006. Vide the impugned order, the learned Reference Court granted compensation to the petitioner as Rs.4,03,425/- per bigha i.e. Rs.19,36,440/- per acre with statutory

benefits as directed thereby, which compensation is in terms of the verdict of this Court in *Jamna Vs. Union of India (Supra)* vide observations made in para 33(ii) thereof.

4. In view thereof, the appeal is dismissed.

LA.APP.13/2014

1. The delay of 388 days in filing of the appeal has already been condoned vide order dated 21.01.2014.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 26.09.2012 in LAC No.117 /2011 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in *Jamna Vs. Union of India* in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of *Jamna Vs. Union of India (Supra)* with there being no reversal of the said verdict, the findings in *Jamna Vs. Union of India (Supra)* vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 12 bighas 04 biswas falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F.11(19)2001/L&B/LA/20112 dated 21.03.2003 for the purpose of Rohini Residential Scheme in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 19.03.2004 and formal award was announced on 27.01.2006. Vide the impugned order, the learned Reference Court granted compensation to the petitioner as

Rs.4,03,425/- per bigha i.e. Rs.19,36,440/- per acre with statutory benefits as directed thereby, which compensation is in terms of the verdict of this Court in *Jamna Vs. Union of India (Supra)* vide observations made in para 33(ii) thereof.

4. In view thereof, the appeal is dismissed.

LA.APP.323/2013

1. The delay of 403 days in filing of the appeal has already been condoned vide order dated 09.01.2014.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 30.07.2012 in LAC No.115/2011 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in *Jamna Vs. Union of India* in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of *Jamna Vs. Union of India (Supra)* with there being no reversal of the said verdict, the findings in *Jamna Vs. Union of India (Supra)* vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 15 bighas 12 biswas falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F.11(19)2001/L&B/LA/20112 dated 21.03.2003 for the purpose of Rohini Residential Scheme in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 19.03.2004 and formal award was announced on 27.01.2006. Vide the impugned order, the

learned Reference Court granted compensation to the petitioner as Rs.4,03,425/- per bigha i.e. Rs.19,36,440/- per acre with statutory benefits as directed thereby, which compensation is in terms of the verdict of this Court in ***Jamna Vs. Union of India (Supra)*** vide observations made in para 33(ii) thereof.

4. In view thereof, the appeal is dismissed.

LA.APP.28/2014

1. The delay of 167 days in filing of the appeal has already been condoned vide order dated 24.01.2014.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 02.05.2013 in LAC No.84/2012 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in ***Jamna Vs. Union of India*** in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of ***Jamna Vs. Union of India (Supra)*** with there being no reversal of the said verdict, the findings in ***Jamna Vs. Union of India (Supra)*** vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 03 bighas 12 biswas falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F11(19)2001/L&B/LA/20133 dated 21.03.2003 for the purpose of Rohini Residential Scheme in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 18.03.2004 and formal

award was announced on 28.08.2005. Vide the impugned order, the learned Reference Court granted compensation to the petitioner as Rs.4,03,425/- per bigha i.e. Rs.19,36,440/- per acre with statutory benefits as directed thereby, which compensation is in terms of the verdict of this Court in ***Jamna Vs. Union of India (Supra)*** vide observations made in para 33(ii) thereof.

4. In view thereof, the appeal is dismissed.

LA.APP.341/2014

1. The delay of 19 days in filing of the appeal has already been condoned vide order dated 20.03.2015.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 30.04.2013 in LAC No.85/2012 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in ***Jamna Vs. Union of India*** in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of ***Jamna Vs. Union of India (Supra)*** with there being no reversal of the said verdict, the findings in ***Jamna Vs. Union of India (Supra)*** vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 02 bighas 13 biswas falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F11(19)2001/L&B/LA/20133 dated 21.03.2003 for the purpose of 100 meter road at Mundka under planned development of Delhi in relation to which the requisite

notification under Section 6 of the Land Acquisition Act, 1894 was issued on 18.03.2004 and formal award was announced on 26.08.2005. Vide the impugned order, the learned Reference Court granted compensation to the petitioner as Rs.4,03,425/- per bigha i.e. Rs.19,36,440/- per acre with statutory benefits as directed thereby, which compensation is in terms of the verdict of this Court in ***Jamna Vs. Union of India (Supra)*** vide observations made in para 33(ii) thereof.

4. In these circumstances, the appeal is dismissed.

LA.APP.395/2015

1. The delay of 753 days and 740 days in filing and re-filing of the appeal has already been condoned vide order dated 18.05.2016.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 27.11.2009 in LAC No.109/2008 of the Court of the learned ADJ-05 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in ***Jamna Vs. Union of India*** in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of ***Jamna Vs. Union of India (Supra)*** with there being no reversal of the said verdict, the findings in ***Jamna Vs. Union of India (Supra)*** vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 11 bighas 08 biswas falling within the village Mundka was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F11(19)2001/L&B/LA/20133

dated 21.03.2003 in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 18.03.2004 and formal award was announced on 26.08.2005. Vide the impugned order, the learned Reference Court granted compensation to the petitioner as Rs.4628.27/- per bigha i.e. Rs.22,215.71/- per acre with statutory benefits as directed thereby, which compensation is in terms of the verdict of this Court in ***Jamna Vs. Union of India (Supra)*** vide observations made in para 33(ii) thereof.

4. In these circumstances, the appeal is dismissed.

LA.APP.170/2013

1. The delay of 294 days in filing of the appeal has already been condoned vide order dated 24.02.2014.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 14.08.2012 in LAC No.08/2011 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in ***Jamna Vs. Union of India*** in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of ***Jamna Vs. Union of India (Supra)*** with there being no reversal of the said verdict, the findings in ***Jamna Vs. Union of India (Supra)*** vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 1 bighas 13 biswas falling within the village Mundka was notified for acquisition for the purpose of 100 mtrs R/W Link Road connecting National Highway No.10 to Dwarka Sub-City in

Village Mundka-Bakkarwala under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F11(29)2004/L&B/LA/3338 dated 17.06.2005 in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 31.05.2006 and the formal award was announced on 31.05.2007. Vide the impugned order, the learned Reference Court granted compensation to the petitioner as Rs.4,03,425/- per bigha i.e. Rs.19,36,440/- per acre with statutory benefits as directed thereby, which compensation is in terms of the verdict of this Court in ***Jamna Vs. Union of India (Supra)*** vide observations made in para 33(ii) thereof.

4. In these circumstances, the appeal is dismissed.

LA.APP.309/2013

1. The appellant seeks enhancement of compensation awarded vide the impugned order dated 12.08.2013 in LAC No.29/2013 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

2. For reasons detailed therein, in view of the verdict of this Court in ***Jamna Vs. Union of India*** in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of ***Jamna Vs. Union of India (Supra)*** with there being no reversal of the said verdict, the findings in ***Jamna Vs. Union of India (Supra)*** vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's land measuring 02 bighas 08 biswas falling within the village Mundka was notified for acquisition for the purpose of 100 mtrs road at

Mundka under planned development of Delhi under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F11(19)2001/L&B/LA/20133 dated 21.03.2003 in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 10.03.2004 and formal award was announced on 26.08.2005. Vide the impugned order, the learned Reference Court granted compensation to the petitioner as Rs.4,03,425/- per bigha i.e. Rs.19,36,440/- per acre with statutory benefits as directed thereby, which compensation is in terms of the verdict of this Court in ***Jamna Vs. Union of India (Supra)*** vide observations made in para 33(ii) thereof.

3. In these circumstances, the appeal is dismissed.

LA.APP.252 /2013

1. The delay of 334 days in filing of the appeal has already been condoned vide order dated 02.04.2014.

2. The appellant seeks enhancement of compensation awarded vide the impugned order dated 30.07.2012 in LAC No.121/2011 of the Court of the learned ADJ-02 (West), THC on similar submissions as were made in LA.APP.51/2016.

3. For reasons detailed therein, in view of the verdict of this Court in ***Jamna Vs. Union of India*** in LA. APPL.784/2005 decided on 08.07.2011 and several appeals as a consequence thereof having been decided on the basis of ***Jamna Vs. Union of India (Supra)*** with there being no reversal of the said verdict, the findings in ***Jamna Vs. Union of India (Supra)*** vide para 33 become operative as constructive *res judicata* in relation to the area of Village Mundka. The appellant's

land measuring 22 bighas 18 biswas falling within the village Mundka was notified for acquisition for the purpose of Rohini Residential Scheme under Section 4 of the Land Acquisition Act, 1894 vide notification bearing no.F11(19)2001/L&B/LA/20112 dated 21.03.2003 in relation to which the requisite notification under Section 6 of the Land Acquisition Act, 1894 was issued on 19.03.2004 and formal award was announced on 27.01.2006. Vide the impugned order, the learned Reference Court granted compensation to the petitioner as Rs.4,03,425/- per bigha i.e. Rs.19,36,440/- per acre with statutory benefits as directed thereby, which compensation is in terms of the verdict of this Court in *Jamna Vs. Union of India (Supra)* vide observations made in para 33(ii) thereof.

4. In these circumstances, the appeal is dismissed.

NOVEMBER 27th, 2019/vm

ANU MALHOTRA, J.