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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LA.APP. 179/2016

DEEPIJOT SINGH

..... Appellant

Through : Mr.Mahesh Kumar Mehta, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through : Mr.Anuj Aggarwal, ASC and
Mr.Atul Goyal, Advocate for
Respondent no.2 (DOE).

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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30.05.2019

Vide order dated 16.07.2018 an opportunity was given to the appellant to show the findings of reference Court in para 38 was erroneous. Only two issues have been raised before me (a) qua the categorisation of the land and (b) qua the interest not being awarded on the decretal amount.

It is the case of the appellant his land fall in category 'A' and whereas a portion of his land has been wrongly shown in category 'B' and hence less compensation has been paid to him. I have examined the impugned order wherein it is clearly noted award *Ex.-RI* shows the land of 67 bighas was calculated in category 'B' and rest of the land was in category 'A'. It was also noted per statement under Section 19 of the Land Acquisition Act, the land of the petitioner having khasra no.65/5/2, 6/1, 66/1/2/1 min., 1/2/2 min., 10/1 fall in

category 'B'. The appellant did not file any objection to Section 19 statement and even in his amended reference, there is no mention of wrong categorisation of land by the Collector.

In amended reference the appellant though notes *the land of the petitioner is levelled one; there is no defect and there is no necessity of spending any amount for levelling the same*, hence it was argued since the land was a levelled-one, hence it belong to category 'A'.

A bare perusal of the amended reference would reveal the appellant has been impugning the *rate* at which the compensation was awarded by the reference Court and not the categorisation of the land, either in category 'A' or category 'B'.

Para 38 and 41 of the impugned judgment thus note as under:

“38. Hence, on the basis of above observation and discussion, petitioner failed to establish/prove that all his land belong to category 'A'. The petitioner is entitled to the rate as per award of his acquired land as per categorization by Collector of both categories 'A' and 'B' respectively of respective portions.

41. In the instant case, the petitioners have not brought on record any evidence, documentary or otherwise that their land was having more potential and that the compensation should have been granted to them at a higher rate.”

Since the objection of the petitioner qua categorisation of land is duly noted and dealt with by the Collector as also by the court below, hence need no interference in the appeal and is accordingly rejected.

The objection (*b*) raised is qua payment of interest from the period from 18.02.2010 to 30.03.2016. It is urged the learned Trial

Court had wrongly noted the initiation of evidence of the appellant from 18.02.2010 whereas on an application of amendment, an additional issue were framed on 06.03.2010. Admittedly the matter was listed for evidence for the first time on 18.02.2010 when the petitioner failed to lead his evidence and rather moved an application for amendment and additional issue was framed. It is also noted six more opportunities were granted to the appellant to complete the evidence and he kept filing application and delaying the proceedings even after conclusion of the evidence on 01.03.2011. Such applications were even dismissed by the learned trial court as well as by this Court with costs and it was in these circumstances the appellant was held not entitled to interest @ 15% from 18.02.2010 from 30.03.2016. There is no illegality in this part of the order either. The appeal is accordingly dismissed. Pending application, if any, also stands disposed of.

Order *dasti*.

YOGESH KHANNA, J.

MAY 30, 2019

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