

\$~51, 57, 60 & 61

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

+ **LA.APP. 18/2020**

UNION OF INDIA Appellant
Through: Ms. Jyoti Tyagi, Advocate for Mr.
Yeeshu Jain, Advocate.
(M:9953021339)
versus

GAUTAM CHHABRA & ANR. Respondents
Through: None.

WITH

+ **LA.APP. 24/2020**

UNION OF INDIA Appellant
Through: Ms. Jyoti Tyagi, Advocate for Mr.
Yeeshu Jain, Advocate.
versus

CHANCHAL JAIN & ANR. Respondents
Through: None.

WITH

+ **LA.APP. 27/2020**

UNION OF INDIA Appellant
Through: Ms. Jyoti Tyagi, Advocate for Mr.
Yeeshu Jain, Advocate.
versus

SHISH PAL (DECEASED) THR LRS & ANR. Respondents
Through: None.

AND

+ **LA.APP. 28/2020**

UNION OF INDIA Appellant
Through:

versus

KARAMVIR RANA & ANR.

..... Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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17.02.2020

CM APPL. 6391/2020 (delay in filing) in LA.APP. 18/2020

CM APPL. 6422/2020 (delay in filing) in LA.APP. 24/2020

CM APPL. 6432/2020 (delay in filing) in LA.APP. 27/2020

CM APPL. 6435/2020 (delay in filing) in LA.APP. 28/2020

For the reasons stated in the applications, the delay in filing the appeals is condoned. The applications are disposed of.

LA.APP. 18/2020 & CM APPL. 6390 & 92/2020

LA.APP. 24/2020 & CM APPL. 6421 & 23/2020

LA.APP. 27/2020 & CM APPL. 6431 & 33/2020

LA.APP. 28/2020 & CM APPL. 6434 & 36/2020

1. These four appeals arise out of Award No.29/2002-03 in respect of Village Shahbad Daulatpur. The said Award was subject matter of various appeals including LA.APPs. 42/2015, 50/2015, 55/2015 etc., which were disposed of by this Court on 5th September, 2018 wherein the following order was passed.

“1. These appeals under Section 54 of the Land Acquisition Act, 1894 impugn the compensation awarded to the respondents / land owners by the Reference Court under Section 18 of the Act

2. The appeals were admitted for hearing and ordered to be listed in the category of “Regulars”.

3. The counsel for the appellant Union of India (UOI) on request of this Court to furnish particulars of ‘covered’ matters pending consideration, furnished the particulars and the Registry was directed to list the said matters in the cause list in the category of ‘After Notice Miscellaneous

Matters'. The Court Master was also directed to telephonically inform the Advocates for the private parties of the matters so ordered to be listed.

4. The appeals are listed today in terms of above.

5. Only the counsels for the private parties / land owners in LA. APP. Nos.42/2015, 50/2015, 81/2015, 96/2015, 100/2015, 103/2015, 104/2015, 109/2015, 110/2015, 113/2015 & 263/2015 appear.

6. None appears for the private parties / land owners in LA.APP. Nos.55/2015, 61/2015, 65/2015, 95/2015, 97/2015, 98/2015, 102/2015, 105/2015, 108/2015, 112/2015, 237/2015, 277/2015, 303/2015 & 319/2015 but in view of what is mentioned below, need to await the private parties / land owners is not felt.

7. The counsel for appellant UOI has been heard separately in each of the appeals but for the sake of convenience, this common order is being passed.

*8. The counsel for appellant UOI states that these matters pertain to land acquired in village Shahbad Daulatpur, compensation with respect to which was determined vide Award No.29/2002-03. It is further stated that the compensation with respect to other land acquired vide the same notification and award has been determined by this Court in **Hem Chander Malik vs. Union of India** 2011 SCC OnLine Del 411 and SLP(C) No.26985/2012 titled Hem Chander Malik Vs. Union of India preferred there against was dismissed by the Supreme Court on 30th October, 2015. He thus states that the compensation with respect to the land subject matter of these appeals has to be determined in accordance with the dicta of this Court in **Hem Chander Malik** supra. It is further informed that this Court in **Hem Chander Malik** affirmed the compensation awarded by the Reference Court.*

*9. Resultantly, the appeals are dismissed.
No costs."*

2. As is evident from the above, the Id. Single Judge of this Court has relied upon the judgment of this Court in **Hem Chander Malik v. Union**

of India & Ors., [LA.APP.358/2007, decided on 26th September, 2011] wherein similar appeals arising out of land acquisition proceedings in Village Shahbad Daulatpur were considered by this Court and the final position was summarised as under:

“13. To summarize:-

(a) All appeals pertaining to the notification dated 23.12.1994 stand disposed of determining fair market value to be paid to the land owners in sum of Rs.8,136,750/- per acre together with statutory benefits as explained by the Supreme Court in the decision reported as 2001 (93) DLT 569 Sunder vs. UOI plus proportionate costs.

(b) All appeals pertaining to the notification dated 28.4.1995 stand disposed of determining fair market value to be paid to the land owners in sum of Rs.8,80,275/- per acre together with statutory benefits as explained by the Supreme Court in the decision reported as 2001 (93) DLT 569 Sunder vs. UOI plus proportionate costs.

(c) All appeals pertaining to the notification dated 27.10.1999 are dismissed leaving the parties to bear their own costs.”

3. Ms. Tyagi, ld. counsel appearing for the Union of India submits that this judgment was challenged in the Supreme Court by the private parties as also the Government and the **SLP(C) No.26985/2012** titled ***Hem Chander Malik v. Union of India*** was also rejected vide order dated 30th October, 2015.

4. In view of the above, the present appeals would stand dismissed in terms of the order dated 5th September 2018, as the matters are covered by the said judgment. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 17, 2020/dk