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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LA.APP. 1/2024, CM APPL Nos. 30/2024, 31/2024 & 33/2024**

DIN DAYAL NOW DECEASED THROUGH LRS.....Appellant

Through: **Mr. Madhu Sudan Bhayana,**
Advocate

Versus

UNION OF INDIA & ANR

.....Respondents

Through: **Mr. Sanjay Kumar Pathak, Standing**
Counsel for UOI with Mr. Sunil
Kumar Jha, Mr. M.S. Akhtar,
Advocates.
Mr. Neeraj Kumar, Advocate for
DDA.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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06.05.2025

LA.APP. 1/2024, CM APPL.32/2024

1. The present proceedings have been instituted by the appellant on being aggrieved with the impugned judgement dated 30.07.2018 passed by the Learned Additional District Judge-01, North District, Rohini Courts, Delhi in LAC No.432/2016 seeking further enhancement in compensation amount and modification to the extent thereof in the impugned judgement with respect to the land acquired pertaining to Revenue Estate of Village Shahbad Daulatpur vide Award No.29/2002-03 dated 01.11.2002.

2. The appeal is accompanied by an application seeking condonation of



delay of 1836 days in filing the present appeal. It is stated in the application that the delay was on account of the previous counsel not filing the appeal despite representing the contrary to the appellant. It is also stated that the appellant was going suffering from various ailments as well as through financial hardships. This application is being decided alongwith the appeal on merits.

3. The facts of the case in brief are that the land admeasuring 76 bighas and 02 biswas situated within the revenue estate of village Shahbad Daulatpur, Delhi was acquired vide notification dated 27.10.1999. Subsequently, the said land was declared to be held under the possession of the acquiring authority, as mandated under section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as LAC Act). The Land Acquisition Collector (LAC) awarded the compensation based on the prevailing market price, valuing the land at Rs. 12.16 lacs per acre. Thereafter, aggrieved by the aforesaid award amount, a reference petition bearing LAC No. 432/16 was preferred by the Petitioner under section 18 of the LAC Act seeking compensation at enhanced rate besides interest thereon and solatium in addition to the compensation which stands rejected vide order dated 30.07.2018 in view of the judgement titled Hem Chander Malik vs. Union of India & Others, passed on 26.09.2011 in **LA.APP. 358/2007** by the co-ordinate bench of this Court.

4. The petitioner has challenged the said Award on the ground of inadequate compensation and incorrect assessment of market value of land prevailing at the time of notification under Section 4 of LAC Act. It is primarily contended by the petitioner that the LAC erroneously assessed the market value and failed to consider relevant factors like potential fertility of



the suit land, the surrounding colonies and developed areas, the market value of the adjoining areas/villages, the sale deeds of other lands of the contemporary period, nearness to the National Highway and industrial areas, non-consideration of the amenities available in the subject land etc.

5. The short question which arises for consideration is whether the petitioner is entitled for enhanced compensation when the land in question has been acquired vide notification dated 27.10.1999 in view of the judgment titled Hem Chander Malik vs. Union of India & Others (supra).

6. In the aforementioned judgement, while determining the amount of compensation, the Court discussed the notifications issued by the Government of Delhi from time to time enhancing market value of agricultural land and decisions by Courts on the issue of market value of agricultural lands on various dates. This Court in the said judgement while considering the notification dated 23.12.1994 and 28.4.1995, has adopted the land price at Rs.1,53,000/- per bigha as of 21.7.1993 and increased the same by 10% per annum and determined fair market value to be Rs.1,69,515.61 per bigha i.e. Rs. 8,13,674.92 per acre, rounded off to Rs.8,13,675/- per acre as of 23.12.1994 and Rs. 1,83,390.41 per bigha or Rs.8,80,273.96 per acre rounded off to Rs. 8,80,275/- per acre, factoring in the benefit of building potentiality.

7. With respect to the land of the village Shahbad Daulatpur (involved herein), acquired through notification dated 27.10.1999 (same notification as in the present case), this Court adopted a different approach. It noticed that the ADJ had determined the market value of the land as Rs.12,96,455.89/- per acre. The Court was cognizant of the fact that if the abovementioned calculation method was applied to the notification dated 27.10.1999, taking



the land price at Rs.1,53,000/- per bigha, the land price would come to Rs.11,89,728/- per acre, which would be less than the minimum price notified by the Government with effect from 01.04.1999, i.e Rs. 12,96,455.89 per acre. The Court thus concluded that by the year 1997, the minimum price determined by government had already factored in the building potentiality and thus the appeals pertaining to notification dated 27.10.1999 were dismissed. Conclusively, to sum up, while disposing off the appeal this Court in Hem Chander Malik vs. Union of India & Others (supra) held that:

“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 `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 `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.”*

8. The aforesaid decision was subsequently challenged before the Supreme Court in **SLP (C) No. 26985/2012** titled Hem Chander Malik v. Union of India whereby vide order dated, 30.10.2015 decision was upheld. The decision in Hem Chander Malik (Supra) was subsequently followed by the Co-ordinate Bench of this Court in Union of India vs. Ram Niwas & Anr., decided on 14.01.2020 in **LA.APP.33/2019**.



9. Pertinently, in the impugned judgement, the fair market value of the land in question was determined to be Rs.12,96,455.89/- per acre for the village of Shahbad Daulatpur, acquired vide notification dated 27.10.1999. The legal proposition as discussed hereinabove is now well settled and the petitioner is not entitled for enhanced compensation. Accordingly, there is no infirmity in the impugned judgement and the award is upheld. Even otherwise, the present petition suffers from a delay of 1836 days and the reasons for said delay have not been sufficiently explained.

10. In view thereof, the present petition is dismissed on limitation as well as merits alongwith other pending applications.

MANOJ KUMAR OHRI, J

MAY 6, 2025/rd