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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 13.01.2025***

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LA.APP. 3/2024 & CM Appls.560-63/2024**UNION OF INDIA****.....Appellant****Through: Mr. Siddharth Panda and Mr. Anil
Pandey, Advs.****versus****SH. CHANDRU DEC THR. LRS. & ANR.****.....Respondents****Through: Mr. Neeraj Kumar, Adv. for R-2.****CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Appeal has been filed on behalf of the Appellant under Section 54 of the Land Acquisition Act, 1894 [hereinafter referred to as "LA Act"] seeking to set aside the judgment and order dated 04.07.2023 passed by the learned ADJ, Rohini Courts, Delhi [hereinafter referred to as "Impugned Judgment"] in LAC No. 466/16.

2. Learned Counsel for the Appellant submits that the present Appeal has been filed to challenge the Award passed in a Reference Petition under Section 18 of the LA Act, by the learned Trial Court, wherein the learned Trial Court has awarded an enhanced compensation of Rs. 16,750/- per bigha for the lands in respect of Award no. 202/86-87 pertaining to the revenue estate of village Mamurpur, Delhi.

2.1 Learned Counsel for the Appellant submits that the Supreme Court by a judgment dated 05.08.2004 in Civil Appeal No. 5708/2002 captioned as



Om Prakash (D) by Lrs. & Ors. v. Union of India & Anr¹, while relying on another judgment dated 06.08.1998 captioned *Union of India v. Dharambir & Ors.* in Civil Appeal No. 4405/1997 has held that Rs. 16,750/- per bigha was the fair market value for all categories of land situated at village Mamurpur as on the date of the notification under Section 4 of the LA Act i.e., on 30.10.1963. The relevant extract of the *Om Prakash* case is set out below:

“The only question argued before us was the assessment of the market value of the acquired lands as on the date of the notification under Section 4 of the Act. No other issue was canvassed. The High Court has correctly found that the topography, potentiality and advantages attached to and available to the lands in the five adjoining villages, namely, *Bhorgarh, Kureni, Mamurpur, Narela and Tikri Khurd* were almost the same on the date when the notification under Section 4 was issued. It also referred to the fact that in its judgment in R.F.A. 554/92 (*Dharambir & Ors. vs. Union of India*, decided on 23.9.1996) the market value of the land had been assessed at Rs.25,000/- per bigha as against the assessment made by the Reference Court @ Rs.17,500/- per bigha. *An appeal therefrom was carried to this Court and is the subject matter of the decision of this Court in civil appeal No. 4405/1997 (Union of India vs. Dharambir & Ors).* While allowing the appeal of the State Government, this Court held that Rs.16,750/- per bigha was the fair market value of all categories of land situate at village Mamurpur as on the date of the notification under Section 4 of the Act, i.e., on 30.10.1963.”

[Emphasis supplied]

3. Learned Counsel for the Appellant fairly submits that given the fact that the Supreme Court has already upheld this Award in the sum of Rs. 16,750/- per bigha along with other statutory benefits in respect of the lands acquired in village Mamurpur, Delhi, the challenge in the present Appeal cannot be sustained.

¹ (2004) 10 SCC 627



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4. Learned Counsel for Respondent No.2 also affirms this contention. None appears for Respondent No.1.
5. In view of the submissions made, the Appeal is dismissed. All pending Applications also stand closed.
6. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 13, 2025/r

Click here to check corrigendum, if any