



\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Judgment Pronounced on : 26.09.2025

+

LA.APP.1236/2008, CM APPL. 38517/2025**MAHABIR SINGH DECD. THR LR'S****.....Appellant****Through: Mr. Deepak Gola and Mr. Shivansh,
Advocates.****versus****UOI & ANR.****.....Respondents****Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K Kiran Pathak,
Mr. Sunil Kumar Jha, Mr. M.S
Akhtar and Mr. Divakar Kapil,
Advocates for R-1
Mr. Kunal Sharma and Mr.
Shubhendu Bhattacharyya, Advocates
for R-2/DDA.****CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****JUDGMENT****TARA VITASTA GANJU, J.:**

1. The present Appeal has been filed under Section 54 of the Land Acquisition Act, 1894 [hereinafter referred to as "LA Act"] against the judgment and decree dated 20.10.2008 passed by the Court of Learned ADJ, Tis Hazari Court, Delhi in LAC No. 10 of 1998 captioned "***Mahabir Singh v. UOI & Anr.***" [hereinafter referred to as "Impugned Judgment"].

2. By the Impugned Judgment the learned Reference Court enhanced the market value of the acquired land from Rs.27,344/- per Bigha, which was awarded by the Land Acquisition Collector [hereinafter referred to as "LAC"] to Rs. 89,600/- per Bigha for the acquired land situated at Village Nangli Razapur. The learned Reference Court also granted 30% solatium on



the value of the land. In addition, it was directed that the Appellant is entitled to 12% interest on the market value of the land and enhanced compensation at rate under Section 28 of the LA Act at the rate of 9% per annum from the date of notification till the date of award or date of dispossession, [whichever is earlier], till the expiry of one year and thereafter @15% per annum.

3. The land was part of the land acquired for land development of Delhi in relation to the channelisation of the river Yamuna, by a notification under Section 4 of the LA Act was issued on 23.06.1989 [hereinafter referred to as the “23.06.1989 Notification”]. The notification sets out in detail that for acquisition of land admeasuring about 3500 hectares of land starting from a point 1 km upstream, Wazirabad Barrage road along eastern Yamuna marginal bund till it meets the boundary of Union Territory upto point it meets newly constructed NOIDA Bridge then along the Northern Boundary of the Bridge upto Agra Canal then along the eastern boundary of Agra canal upto Okhla head-works and along the Eastern Boundary of regularised unauthorised colonies of Batla House Joga Bai, Village Zakir Nagar, Hinrerbad village and then along the eastern boundary of Women Polytechnic, Central Road Research Institute, Kalindi Colony till it meets Ring Road the Eastern Boundary of Ring road till meets Indraprastha Power House then along the Eastern Boundary of Power House and then along the bund upto the point it meets old Railway, bridge and then along the road joining Ring Road crossing near Poakey Bridge then along the Ring Road upto 1 km upstream Wazirabad Water Works along the bund upto 1 km then along the imaginary line running parallel to Wazirabad Barrage on the



Northern side upto starting point excepting the following land:-

- (a) Government land;
- (b) Land already notified under Section 4 or under Section 6 of the Land Acquisition Act, 1894 is likely to be acquired under the provisions of the said Act for the purpose above stated.

3.1 Award No. 14/1992-1993 was passed for acquisition of the land admeasuring 2226 Bigha and 5 Biswa situated in village Kilokari. Award No. 18/1992-93 was passed for acquisition of land admeasuring 874 Bigha and 4 Biswas in village Khizrabad. Award No. 16/1992-93 was passed for acquisition of land admeasuring 2009 Bighas and 10 Biswas in village Nangli Razapur and Award No. 13/1992-93 was passed for acquisition of land admeasuring 1563 Bighas and 18 Biswas in village Garhi Mendu as set out in the Table below.

Award No.	Village Area	Area of land acquisitioned by the Award
Award No. 13/1992-93	Garhi Mendu	1563 Bighas 18 Biswas
Award No. 14/1992-93	Kilokari	2226 Bighas and 5 Biswas
Award No. 16/1992-93	Nangli Razapur	2009 Bighas and 10 Biswas
Award No. 18/1992-93	Khizrabad	874 Bighas and 4 Biswas

4. Pursuant thereto, the notifications under Section 6 and Section 17 of the LA Act were issued on 22.06.1990 in respect of the acquired land at 9 villages being Madanpur Khadar, Kilokari, Behlolpur Khadar, Chuck Chilla, Okhla, Jogabai, Nangli Razapur, Khizrabad, Jasola and on 20.06.1990 in



respect of village Garhi Mendu. The possession of the acquired land was taken in the year 1995.

5. The Award No.14/1992-93 was passed by the Land Acquisition Collector on 19.06.1992, for land admeasuring 2226 Bighas and 5 Biswa in village Kilokari whereby compensation or market value of the land was ascertained at Rs.27,344/-per Bigha was awarded to the Appellant for the acquired land [hereinafter referred to as “Kilokari Award”]. The LAC took into consideration sale deeds of the land executed during the years 1985-89 and took out the average value thereof at Rs. 18,736/-. In addition, it took into account an office order no. F.9(20)/80-L&B/4313-16 dated 03.05.1990 [hereinafter referred to as “Office Order of 1990”] which came into force from 27.04.1990 and after working out a pro-rata discount, it valued the acquired land at Rs. 27,334/- per Bigha for the land at village Kilokari.

6. The LAC similarly assessed the value of the land for the villages Khizrabad, Nangli Razapur and Garhi Mendu and passed three separate awards assessing the market value of the land of these villages at a uniform rate of Rs. 27,334/- per Bigha. The reason as assigned by the LAC for the uniform rate was that the purpose of acquisition of all land was the same and all villages were adjacent and contiguous to each other. The village wise details of the four awards are set out below:

Award No.	Name of Village	Kind of Land
14/1992-93	Kilokari	Sailabi
18/1992-93	Khizrabad	Khadar
16/1992-93	Nangli Razapur	Khadar



13/1992-93	Garhi Mendu	Flooded land
------------	-------------	--------------

7. Subsequently, by virtue of a notification under Section 48(1) of the LA Act dated 25.01.1995, lands admeasuring 1430 Bighas and 10 Biswas in village Kilokari, Behlolpur Khadar, Nangli Razapur and Chuck-Chilla stood de-notified by the LAC. The reasons as set out by the LAC in its order dated 05.11.2004 for de-notification, was that the lands admeasuring 1430 Bighas and 10 Biswas were submerged or prone to be submerged, and hence were de-notified.

8. In the meantime, being dissatisfied with the low assessment of the market value of the land by the LAC, a reference was filed under Section 18 of the LA Act before the learned Reference Court on 13.07.1992 to submit that the present market value of the acquired land is about Rs.10,000/- per square yard and the acquired land does not form part of riverbed and that large portion of land of village, Kilokari was acquired in the year 1959 wherein the LAC assessed the market value of the land at Rs 26,000/- per Bigha at that time. It was contended that LAC assessed the market value of acquired land, without taking into account the prices of land and their enhanced value during the period of 30 years between 1959 and 1989, and without considering the prevailing market rate of the area.

9. The Reference Petitions were filed in relation to villages at Kilokari, Nangli Razapur, Khizrabad and Garhi Mendu before the learned Reference Court. The learned Reference Court in terms of the judgment passed in LAC No. 18 of 2005 titled '*Attar Singh v UOI*' [hereinafter referred to as "*Attar Singh* case"] pertaining to village Khizrabad, allowed the Reference



Petitions by an order dated 25.09.2006. The learned Reference Court relying upon the judgment of *Tindey & Ors v UOI & Anr.*¹ [hereinafter referred to as “*Tindey* case”], increased the compensation awarded to Rs.89,600/- per Bigha.

9.1 Similarly, the Reference Petitions filed in relation to land in the revenue estate of village Kilokari were decided. The lead matter for the village Kilokari is LAC No. 1/2003 titled ‘*Bed Ram v. UOI & Anr.*’ [hereinafter referred to as “*Bed Ram Reference Court* case”] whereby the compensation was increased by the learned Reference Court to Rs. 89,600/- per Bigha by a judgment dated 19.06.1992 based on the judgment in the *Attar Singh* case and the *Tindey* case.

9.2 In respect of Petitions filed for the land acquired at village Nangli Razapur, the learned Reference Court in LAC No. 2/1998 titled ‘*Bhopal Singh v. Union of India & Anr.*’ by a judgment dated 29.08.2007 [hereinafter referred to as the “Nangli Razapur Reference Court Judgment”], relied upon the *Attar Singh* case and the *Bed Ram Reference Court* case to award compensation of Rs. 89,600/- per Bigha.

9.3 So far as concerns the village Garhi Mendu, the learned Reference Court by a judgment dated 26.07.2007 passed in LAC No. 96/1 of 2006 titled *Khazan Singh v. UOI* [hereinafter referred to as “*Khazan Singh* case”] relying on the judgment of *Smt. Chawli Devi (Deceased) through her LRs v. UOI & DDA* being LAC No. 334/1 of 2006, similarly enhanced the market value of the acquired land from Rs. 27,344/- per Bigha to Rs.

¹ 1999 SCC OnLine Del 1070



90,102/- per Bigha.

10. As stated above, the learned Reference Court enhanced the market value of the acquired land in all villages – Kilokari, Nangli Razapur, Khizrabad to Rs.89,600/- per Bigha and for Garhi Mendu Rs. 90,102/- per Bigha. The other antecedent directions such as solatium and interest were also awarded by the learned Reference Court. Aggrieved by this award, the Appellants filed the present Appeals before this Court. By a judgment dated 07.06.2011, a Coordinate Bench of this Court decided a batch of Appeals, including LA APP. 59/2007 captioned ***Bed Ram v. Union of India & Anr.*** [hereinafter referred to as “***Bed Ram*** case”] which was the lead matter to hold that the fair market value of the land acquired in three villages of Kilokari, Khizrabad and Nangli Razapur as set out by the learned Reference Court was correctly determined at Rs.89,600/- per Bigha. The Coordinate Bench thus dismissed the batch of Appeals including the present Appeal.

10.1 By a separate order dated 07.06.2011 also, the Coordinate Bench of this Court decided the batch of Appeals including LA. APP. 1038/2008 captioned ***UOI. v. Khazan Singh & Ors.*** in respect of village Garhi Mendu, and revised the compensation awarded by the learned Reference Court to Rs. 89,600/- per Bigha, as in the cases of village Kilokari, Nangli Razapur and Khizrabad.

11. The order(s) dated 07.06.2011, as corrected by order dated 22.07.2011 passed by this Court were challenged by the Appellant by filing a Special Leave Petition before the Supreme Court being Civil Appeal No. 1939/2012 captioned ***Union of India v. Ram Lal & Ors.*** [hereinafter



referred to as “SC Judgment”]. The Supreme Court by order dated 13.01.2015 passed two directions with respect to the matters in villages Kilokari, Khizrabad Nangli Razapur and Garhi Mendu. In the first instance, it was held that a Review Petition be filed before the High Court to permit the Appellant to produce additional documents, maps and awards before Single Judge within 30 days. The Court further held that if the Review Petition(s) were filed within 30 days, the Single Judge would consider the same without going into the question of limitation. The relevant extract of the SC judgment is set out below:

*“2. Briefly stated, the facts in the present appeals and petition are: the lis pertains to the determination of fair market value of lands admeasuring **1536 Bigha 10 biswa in village Garhi Mendu**, belonging to the claimants/respondents herein. The said land was acquired under Section 11 of the Land Acquisition Act, 1891 (for short, “the Act”), by the appellants/petitioner herein for the public purpose of planned development of Delhi.*

*3. **The said land, along with land in three other villages, namely Khirzahad [sic: Khizrabad], Kilolari [sic: Kilokari] and Chak Chilla, was notified** by the Government, vide Notification No. F. 9 (I)/89—L&B (i.) issued under **Section 4(1) of the Act, dated 23.06.1989**. The same was followed by Notification No. F. 9 (I)/89-L&B/LA(ii) & (iii) issued under Sections 6 and 17 of the Act, dated 20.06.1990. In pursuance of the said Notifications, notices under Sections 9 and 10 of the Act were issued to all interested persons.*

4. The Land Acquisition Collector (for short, “the LAC”), took into consideration Order No. F-9(20)/80-L&B/4313-16, issued by the Delhi Administration regarding fixation of minimum price of agricultural land by the LAC, dated 03.05.1990. In light of the aforesaid policy of the State administration the LAC vide Award No. 13/1992-93, determined the compensation to be awarded at the rate of Rs.27,344/- per Bigha along with statutory benefits, dated 19.06.1992.

*5. Dissatisfied with the award of the LAC, the respondents herein sought for a reference under Section 13 of the Act for adjudication of the fair market value. It was argued by the claimants that **the LAC did not consider, inter alia, the potential value of the land, that the revenue estate of the village in which the land was situate was surrounded by posh colonies developed by the Delhi Development Authority and other private colonies, and that***



all basic civic amenities were available to the land. The Reference Court, while considering the contentions raised by the parties to the lis, took notice of the award of the LAC with regard to land situate in villages Khizrabad, Kilokari and Chak Chilla, dated 19.06.1992. By the said awards, the LAC had awarded compensation at the rate of Rs.27,344/- per Bigha along with statutory benefits, It was further noticed, by the Reference Court, that a reference had been, sought against the said awards, and **consequently, taking into consideration the location, potentiality, nature, topography of the said land, the compensation was enhanced to Rs.89,600/- per bigha.**

xxx

xxx

xxx

2. In our considered opinion, **these facts, as also the maps and relevant documents, may be brought to the notice of the High Court by the appellant(s)/petitioners herein by filing appropriate review petition(s) before the High Court within thirty days' time from today.**

3. If such review petition(s) is/are filed within the time granted by this Court, we request the learned Single Judge to consider the same in accordance with law, **but without going into the question of limitation.**

4. Further, **in the peculiar facts and circumstances of these cases, we permit the appellant(s)/petitioners herein to produce the additional documents, maps, awards, if any, which are in their possession, before the learned Single Judge along with the same review petition(s).**

5. All contentions of the parties are kept open to be agitated before the learned Single Judge”

[Emphasis supplied]

12. Subsequently, several Review Petitions in relation to the acquired land were filed before this Court. By its order dated 20.01.2017, a Coordinate Bench of this Court directed that the decision dated 07.06.2011 is recalled *vis-à-vis* the review petitioners and it was directed that the present Appeal would be reconsidered by the roster bench after giving an opportunity to the Appellant/Review Petitioners to place on record further evidence. The relevant extract of the order dated 20.01.2017 is below:

“2. Suffice it to record that in the above captioned matters co-owners filed petitions seeking Special Leave to Appeal against the judgment and decree dated June 07, 2011 which were disposed of by the Supreme Court permitting them to seek review with an observation that this Court should take a liberal view of the matter and permit the land owners to file



documents which they wanted to file and lead evidence in relation thereto and then decide the matter afresh.

3. Under the circumstances justice and equity would demand delay in seeking review in above captioned matters to be condoned and the review petitions disposed of recalling the judgment and order dated June 07, 2011 in above captioned Land Acquisition Appeals and restore the Land Acquisition Appeals for adjudication.

4. Ordered accordingly.

LA. APP. 87/2007, LA. APP. 89/2007, LA. APP. 412/2007, LA. APP. 1234/2008, LA. APP. 1235/2008, LA. APP. 1236/2008 and LA. APP. 607/2009

List before the Roster Bench for directions on March 29, 2017 when other connected matters are listed.”

[Emphasis supplied]

13. Additional evidence was led in the lead matter. By an order dated 07.07.2025, this Court directed that since the present Appeal was connected with the Appeals which were pending adjudication before the Court in a batch of matters being LA.APP. 59/2007 captioned ***Bed Ram v. UOI & Anr.*** and LA.APP. 372/2007 captioned ***Bhopal Singh v. UOI & Anr.***, this Appeal be also tagged along with the batch of Appeals.

14. By a judgment dated 26.09.2025 passed in LA. APP 59/2007 captioned ***Bed Ram v. UOI & Anr.*** and connected matters, this Court has passed the following directions:

“74. In view of the foregoing discussion, this Court thus deems it apposite to award compensation to the acquired land in village Kilokari at the rate of Rs. 2,07,500/- per Bigha.

74.1 In terms of the principles laid down by the Supreme Court in K. Periasami case, the compensation awarded with respect to the acquired land at village Kilokari shall also be awarded to the land which was acquired by the same notification. Thus, the land in village Khizrabad, Nangli Razapur and Garhi Mendu shall also be entitled to the compensation at Rs. 2,07,500/- per Bigha.



75. The Appeals are accordingly allowed. The Appellants are entitled to receive compensation at the rate of Rs. 2,07,500/- per Bigha.

75.1 Since the Appellants have already received compensation at the rate of Rs. 89,600/- per Bigha, the balance amounts shall be paid to the Appellants along with interest and all other statutory benefits, in accordance with law.

76. Section 28A of the LA Act provides that where in an Award the Court allows compensation to an applicant in respect of the acquired land, all persons whose land had been similarly acquired would be awarded, the same compensation, even if they had not applied for the same. Once a particular rate of compensation is judicially determined, the benefit of such rate must be given to all persons whose land was acquired under the same Notification. Thus, all persons whose land has been similarly acquired in these four villages of Kilokari, Khizrabad, Nangli Razapur and Garhi Mendu shall also be entitled to the enhanced compensation.

77. No order as to costs.”

15. The directions passed in judgment dated 26.09.2025 shall *mutatis mutandis* apply to the present case.

16. The Appeal is disposed of in the foregoing terms. Pending Applications stand closed.

17. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 26, 2025/ha/r