

Sant Ram and Others

Vs

Union of India

Civil Appeals No. 241 of 1985 with No. 11538 of 1995

(K. S. Paripoornan, K. Ramaswamy JJ)

21.11.1995

ORDER

1. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') was published in the Union Gazette on 21-2-1973. The Collector in his award dated 25-5-1974 determined the compensation @ Rs 4280 per bigha rounded to Rs 50 per sq. yd. The Additional Judge by his award and decree dated 8-8-1978, enhanced the compensation to Rs 6420 per bigha. The High Court further enhanced it in appeal by judgment and decree dated 10-7-1984 to Rs 12,000 per bigha. Still dissatisfied therewith, the appellants filed this appeal by special leave.

2. Shri P.P. Juneja, learned counsel appearing for the appellants contends that this Court in *Gokal v. State of Haryana* [1992 Supp (2) SCC 69] had taken judicial notice of constant rise in the prices and fixed the market value at different rates depending upon the year of acquisition. The appellants' lands are also situated within the master plan of the Delhi Development Authority. They are also entitled to compensation @ Rs 13 per sq. yd. In *Jailal v. Union of India* [CA No. 830 of 1981, decided on 23-02-1981], this Court found that the market value of Nangal Dewat notified under Section 4(1) published on 3-12-1971 would fetch @ Rs 13 per sq. yd.

3. Having given consideration to the persuasive arguments of Mr P.P. Juneja, we think it is difficult to accept the contention. It is seen that for the lands in Shahabad Mohammedpur Village which is now part of the lands in this case, compensation was determined @ Rs 12 per sq. yd. i.e., 12,000 per bigha. The lands are claimed to be on a par with the lands in Nangal Dewat. But when the lands in the entire village have been determined at Rs 12 per sq. yd., we do not think we would be justified in further increasing the compensation for the appellants' lands on mere pursuing of the remedy by way of appeal.

4. The appeal is accordingly dismissed. No costs.

In CA ... of 1995 [@ SLP (C) No. 14912 of 1989]

5. Leave granted.

6. In view of the above judgment made in CA No. 241 of 1985, the appeal is dismissed. No costs.