

Pehlad Singh and Another

Vs

Union of India

Civil Appeals No. 128 of 1985 with No. 171 of 1985

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

21.11.1995

ORDER

1. The notification under Section 4(1) of the Land Acquisition Act, 1984 (for short, 'the Act') was published on 8-3-1957 for planned development of Delhi. The lands acquired for the development are 8.40 acres out of which the land of appellants are small in extent. In Justice A. S. Bhandari v. Union of India, the Division Bench of the High Court determined the market value at Rs. 10 per square yard, i.e., Rs. 10,000 per bigha. The appellant, aggrieved by that, filed this appeal. The only question is whether it is a fit case to enhance the compensation to Rs. 12 per square yard, i.e., Rs. 12,000 per bigha as claimed by the appellant. Shri Juneja, learned counsel appearing for the claimants contended that the lands in Justice Bhandari case are brick-kiln lands while the lands of appellant are agricultural lands. Therefore, the appellants are entitled to higher compensation. It is further contended that the notification under Section 4(1) was quashed in subsequent proceedings which was ultimately upheld on 8-11-1968. No further notification under Section 4(1) was published. Had it been so published, further increase of the compensation at Rs. 12 per square yard would be just and fair compensation. Having given consideration to the catenation of Shri Juneja, we find it difficult to accept the same. On the facts, evidence relied in Justice Bhandari case is a sale deed of 560 square yards in which admittedly the market value was fixed at Rs. 12 per square yard. Since it is a small extent of land which formed the basis of the case to determine compensation at Rs. 10 per square yard, the same price would not commend when large extent of land is offered for sale to a willing purchaser. Keeping that yardstick in view, we think that it is not a fit case for further increase.

2. The appeals are accordingly dismissed but without costs.