

Satpal & Ors. etc.

Vs

Union of India

Civil Appeal No. 9400 of 1996 Etc.

(Dr. A. S. Anand, V. N. Khare JJ)

24.09.1997

JUDGMENT

V. N. KHARE, J.

1. This group of civil appeals by grant of special leave, and Special Leave Petition which pertain to enhancement of compensation for the acquired land, is directed against the judgment and order dated 22nd February, 1995 passed by the High Court of Delhi. Since common facts and law are involved, all the appeals and special leave petition are being disposed of by a common judgment.

2. A Notification under Section 4 of the Land Acquisition Act (for short "the Act") was issued on 27.01.1984 proposing to acquire land of the appellants as well as of others, situate in Village Palam, Delhi, for the purpose of planned development of Delhi. This was followed by a declaration under Section 6 of the Act. For the purposes of awarding compensation in respect of the acquired land, the Land Acquisition Officer (Collector) divided the land, which is the subject matter of acquisition, in three blocks, namely, "A", "B" and "C". By an award, the Land Acquisition Officer fixed compensation in respect of the land acquired as Rs.8,400 per bigha for block "A", Rs.6,000 per bigha for block "B" and Rs.3,000 per bigha for block "C".

3. Being dissatisfied with the award, the claimants/appellants preferred references under Section 18 of the Act, contending that the land in question could not be valued at less than Rs. 300 per square yard on the date of the notification issued under Section 4 of the Act, being situated near the Indira Gandhi International Airport and Palam Airport, and also surrounded by residential colonies of Janakpuri and Vikaspuri and by Delhi Cantonment. The Additional District Judge, Delhi assessed the market value of the land, for the purposes of compensation, @ Rs.36,400 per bigha uniformly. Aggrieved by the same, the claimants preferred regular appeals before the High Court of Delhi. The High Court disposed of the appeals in terms of its earlier decision dated 3.2.1995 rendered in RFA No. 718/90. The High Court held that market value of the acquired land on the date of the notification was Rs.47,224 per bigha and that in addition to the said market value, the appellants are also entitled to an amount calculated @ 12% per annum on the market value for the period commencing from the date of publication of the notification under Section 4(1) of the Act to the date of taking possession of the land, besides solatium @ 30% as also interest @ 9% per annum till the date of deposit of enhanced amount of compensation awarded by the Additional District Judge. The claimants/appellants not being satisfied with the said judgment of the High Court, have come up before this Court by filing separate Special Leave Petitions.

4. Learned Counsel for the appellants urged that the courts below erroneously rejected Ex. A.W.1/7 to Ex. A.W.1/10 while determining the market value of the land acquired. In short, the argument is

that the market value of the claimant's land ought to have been determined on the basis of Ex.A.W.1/7 to Ex.A.W.1/10 which related to the sale transactions of the land between 20.10.1981 and 29.9.1982. The highest sale consideration shown in the Exhibits referred to above, is Rs.1,34,666 per bigha. These evidences were excluded by the courts below while arriving at the market value of the appellants' acquired land. The High Court fixed the market value of the acquired land relying upon Ex.A.W.1/1 to Ex.A.W.1/6 wherein sale consideration for the land, was Rs.56,470 per bigha. The sale deeds covered by the said exhibits relate to the period between October 1981 and September 1988. The reasoning given by the High Court in excluding Ex.A.W.1/7 to Ex.A.W.1/10 for purposes of assessing the market value of acquired land was that, it was not sufficiently explained by the claimants as to how the price of the land in question has jumped from Rs. 56,470/- per bigha to Rs.1,34,666 per bigha within a short span of time.

5. We have looked into the record and found that there is no explanation whatsoever for such a sharp increase in price of land in such a short time. The rise in price is more than 100 per cent within a very short period which is not the usual prevailing trend in rise of prices in the area where the acquired land is situated. The Court below found that sale consideration shown in Ext.A.W.1/1 to Ext.A.W.1/6 is more realistic and therefore relied those instances for assessing the market value of the disputed land.

6. In the absence of any such explanation, we feel that the High Court was justified in rejecting Ex.A.W.1/7 to Ex.A.W.1/10 while assessing the market value of the claimants acquired land. The judgment of the High Court is neither perverse nor illegal and does not call for any interferences, since it is based on correct appreciation of the evidence on the record and proper application of law to the established facts. The appeals and the special leave petition are accordingly dismissed with no order as to costs.