

Chander Bhan and Others

Vs

Union of India

Civil Appeals No. 7699 of 1994 with Nos. 7700, 7709 of 1994

(CJI M.M. Punchhi, V. N. Khare JJ)

03.11.1998

JUDGMENT

V. N. KHARE, J. –

1. Leave granted.

2. This set of civil appeals which is directed against the judgment of a Division Bench of the Delhi High Court relates to the appellants' claim for enhancement of compensation with regard to acquisition of their land situated in Village Rangpuri @ Malikpur Kohi, Delhi. Since common questions of fact and law are involved in this set of appeals, we propose to decide them by a common judgment.

3. A large extent of land in Village Rangpuri near Palam Airport was notified for acquisition vide notification dated 3-12-1971 issued under Section 4 of the Land Acquisition Act, 1984 (hereinafter referred to as "the Act") for planned development of Delhi. Simultaneously, notifications dated 3-12-1971 were also issued for acquisition of land in Villages Nangal Dewat and Shahbad Mohemmedpur. Some plots of land of Village Rangpuri were acquired vide Award No. 94/72-73 dated 12-3-1973. The Land Acquisition Collector while assessing the market value of the acquired land covered by the aforesaid award, divided the said land into two blocks and fixed Rs. 3300 and Rs. 2200 per bigha for Block A and Block B, respectively. The claimants being dissatisfied with the offer of compensation preferred reference petitions under Section 18 of the Act. The learned Additional District Judge enhanced the compensation to Rs. 4800 per bigha in respect of Block A and Rs. 3200 in respect of Block B. The appellants before us being not satisfied with the compensation awarded by the learned Additional District Judge, preferred regular appeals before the High Court. The High Court by the judgment under appeal assessed the market value of the appellants' acquired land at Rs. 13,000 per bigha. Consequently, the claimants' appeal were allowed. Still not satisfied with the rates of compensation determined by the High Court, the appellants have come to this Court by filing special leave petitions.

4. Learned counsel appearing for the appellants referred to a decision of this Court in the case of Gokal v. State of Haryana [1992 Supp (2) SCC 69 : AIR 1992 SC 150] wherein this Court determined market value of the land on the date of the relevant notifications at Rs. 20, Rs. 25, Rs. 26 and Rs. 30 per sq. yard, respectively. On the strength of this decision, it was urged that the increase in the market value of land per year comes to over Rs. 5000 per bigha and if the market value of land is taken to be Rs. 3000 per bigha on 23-1-1965 as determined by the High Court, the value of the appellant's land should be increased by Rs. 5000 per bigha for each year. The submission of learned counsel for the appellants, therefore, is that if the aforesaid principle is

adopted, the market value of land on the date of notification issued under Section 4 of the Act would be Rs. 33,000 per bigha. We have gone through the decision referred to above but do not find any principle having been laid down therein for such increase in the compensation for the acquired land as is canvassed by learned counsel for the appellants. Although it is true that compensation was increased in Gokal case [1992 Supp (2) SCC 69 : AIR 1992 SC 150] but no reasons were given for increasing the compensation. We are, therefore, of the view that Gokal case [1992 Supp (2) SCC 69 : AIR 1992 SC 150] is of no help to the contention of learned counsel for the appellants. On the other hand, the High Court while assessing the market value of the appellants' land relied upon a Division Bench decision of the Delhi High Court in the case of Jai Lal v. Union of India [RFA No. 203 of 1982 decided on 27-4-1988] which related to determination of compensation in respect of land in Village Nangal Dewat with reference to the notification dated 3-12-1971. The High Court in the said case awarded uniform compensation @ Rs. 13,000 per bigha. In the present case, it was found by the High Court that the acquired land in Village Nangal Dewat and the appellants' land are similarly situated, therefore, the rates of compensation should be uniform. Accordingly, the High Court assessed the market value of the land at Rs. 13,000 per bigha. Thus, according to us the judgment of the High Court under appeal is neither perverse nor illegal and does not call for any interference, since it is based on correct appreciation of the evidence on record and proper application of law to the established facts. The appeals are accordingly dismissed, but in the circumstances of the case, there shall be no order as to costs.