

SUPREME COURT OF INDIA

N.D.Sharma & Ors.

Vs.

Union of India & Ors.

C.A.No.4943 of 2006

(Anil R.Dave Adarsh Kumar Goel,JJ.)

13.01.2016

JUDGMENT

Anil R.Dave, J.

1. Delay in filing substitution applications in Civil Appeal No.4943/2006, is condoned.
2. Applications in Civil Appeal No.4943/2006, for bringing on record the legal representatives of Appellant Nos.1 and 3 are allowed.
3. In all these appeals, the issue involved is with regard to enhancement of compensation in respect of the land, which had been acquired under a Notification issued under Section 4 of the Land Acquisition Act, 1894, on 3rd June, 1987 for establishment of a Power House. A big chunk of land ad-measuring approximately 270 bighas and 15 biswas was acquired by the Government from three different villages, namely, Holambi Khurd, Bawana and Naya Bans @ Iradat Nagar.
4. It is an admitted fact that for the land situated in Iradat Nagar, a sum of Rs.32,951/- (Rupees Thirty Two Thousand Nine Hundred Fifty One only) per bigha had been awarded by the High Court by its judgment in RFA No.859/1995 fRam Kishan (Deceased) Thru. LRs. Vs. Union of India] decided on 4th March, 2004.
5. It is also an admitted fact that the land of Iradat Nagar and the land, which is the subject matter of these appeals, about each other and they all form part of one chunk of land.
6. In the circumstances, we are of the view that same amount of compensation should be awarded to the present appellants in respect of their acquired land and therefore, we direct that a sum of Rs.32,951/- (Rupees Thirty Two Thousand Nine Hundred Fifty One only) per bigha and statutory benefits should be awarded to the appellants.
7. The impugned judgment is modified accordingly. The appeals stand allowed with no order as to costs. Pending application, if any, stands disposed of.

