

A SURAT SINGH (DEAD) BY LRS. AND ORS ETC.

UNION OF INDIA

AUGUST 13, 1996

B [K. RAMASWAMY AND S.B. MAJMUDAR, JJ.]

*Land Acquisition Act, 1894 : Sections 4(1) and 53.*

C *Land acquisition—Large extent of—Award of compensation by Land Acquisition Officer—Enhancement by Reference Court and High Court—Appeal by dissatisfied claimants—Held sale instance relating to small pieces of land cannot be solely relied upon—Assuming that sale transactions were true 1/3rd of the value towards development charges have to be deducted while awarding compensation—In such a case landowner would have got less than that awarded by High Court—Held in such circumstances no interference was called for with the order of High Court.*

D CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4028 of 1988 Etc.

E From the Judgment and Order dated 18.10.84 of the Delhi High Court in R.F.A. No. 575 of 1970.

K. Priyadarshi, Ranbir Yadav and H.M. Singh for the Appellants.

Wasim A. Qadri, B. Krishna Prasad for the Respondent.

F The following Order of the Court was delivered :

G This case relates to the notification issued under Section 4(1) of the Land Acquisition Act, 1894 published on October 24, 1961. The Land Acquisition Officer in his award dated December 16, 1964 granted compensation at the rate of Rs. 2,000 per bigha. on reference, the Additional District Judge by his award and decree dated May 20, 1970 enhanced the compensation varying between Rs. 2,000 to Rs. 3,000 per bigha in respect of ABC Blocks. The High Court in the impugned judgment dated September 11, 1984 enhanced the compensation to the uniform rate of Rs. 7,000 per Bigha. Dissatisfied therewith, the claimants have filed these appeals.

Though there is some force in the contention of learned senior counsel for the appellants that there is a difference between the earlier cases and this case, since the notification in the earlier cases dated back to 1959 and this notification to 1961, the sale instances relating to the small pieces of land cannot be solely relied upon when lands of an extent of around 16000 and odd bighas is acquired. There is no proof of these sale transactions. Moreover, even if they were true, 1/3rd of the value towards development charges has to be deducted. This exercise was not done. Even if it is done, the appellant will get less than what was awarded by the High Court. Under these circumstances, we are not inclined to interfere with the judgment and order made by the High Court since the State did not file any appeal.

The appeals are accordingly dismissed. No costs.

T.N.A.

Appeals dismissed.