

SMT. INDIRA SOHAN LAL (DEAD) BY LRS.

A

v.

UNION OF INDIA

OCTOBER 25, 1996

[K. RAMASWAMY AND S.P. KURDUKAR, JJ.]

B

*Land Acquisition Act, 1894 :*

*Compensation—Award of—Reference Court enhancing compensation—High Court further enhancing to Rs.7000 per bigha of land with deep pits—The land required development—High Court considered all the relevant facts and rightly determined the compensation at a uniform rate of Rs. 7000 per bigha—No interference called for.*

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 14553 of 1996.

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From the Judgment and Order dated 20.7.92 of the Delhi High Court in R.F.A.No. 468 of 1989.

Mukul Mudgal for the Appellant.

E

Haresh Gupta and Wasim Qadri for the Respondent.

The following Order of the Court was delivered :

Leave granted.

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We have heard learned counsel on both sides.

Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the 'Act') was published on January 23, 1965 acquiring about 14,000 bighas of land in Kalkaji, Tughalakabad for planned development. The dispute in the present proceedings relates to 38 bighas, 5 biswas of the land. The District Collector awarded compensation @ Rs.700 per bigha for lands with deep pits of 8 to 10 ft. The reference Court enhanced the compensation @ Rs. 4,000 per bigha. The High Court enhancing the compensation @ Rs.7,000 per bigha for land with pits and for the levelled

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A land, Rs.17,000 per bigha deducted 1/3rd towards the development charges and determined the compensation accordingly.

Shri Mukul Mudgal, learned counsel for the appellant, contended that the High Court having enhanced the compensation to Rs. 40,000 per bigha for the levelled up land in a similar case, compensation  
B Rs. 7,000 per bigha for the land with pits of a depth of 8 to 10 feet is illegal. It is contended, on the other hand, by the learned counsel for the respondents that the compensation awarded by the High Court Rs. 7,000 per bigha for the land with deep pits of 8 to 10 feet is just and adequate. There is no warrant to enhance the compensation. He also states that the High Court had granted compensation for the levelled up land Rs.  
C 40,000 per bigha and deducted 1/3 but the lands in question is not on the same parity. The lands are clearly required to be developed to bring them on a par with levelled land and a huge amount is required for development. Under those circumstances, there is no warrant to further enhance the compensation.

D In view of the rival contentions, the question for consideration is: whether the grant of Rs. 7,000 per bigha for the land, admittedly, with the deep pits of an extent of 8 to 10 feet requires further enhancement of the compensation? It is not in dispute that the compensation granted @ Rs. 40,000 per bigha was only in respect of a small piece of land. In all the  
E other case compensation @ Rs. 7,000 per bigha of the land in which there are deep pits of the depth 8 to 10 feet has been awarded and become final. The lands require development and expenditure in that behalf is needed. The High Court has considered all the relevant facts and found that uniform rate of @ Rs. 7,000 per bigha for the land with deep pits of 8 to 10 feet  
F depth would be the proper compensation. In the absence of any compelling material and High Court's refusal to advert to it we cannot enhance the compensation from that awarded by the High Court which was not challenged by the Union of India. Under these circumstances, we do not find any circumstances warranting any interference.

G The appeal is accordingly dismissed. No costs.

G.N.

Appeal dismissed.