

DLNT010125622024



IN THE COURT OF SH. SIDHARTH MATHUR
DISTRICT JUDGE (NORTH) : ROHINI COURTS : DELHI

LAC No. 89/2024

In the matter of :-

Rajbir

S/o Sh. Om Parkash

R/o VPO Bawana, Delhi - 39.

.... Petitioner

Versus

1. Union Of India through
Land Acquisition Collector
Alipur, North, Delhi.

2. Delhi State Industrial & Infrastructure
Development Corporation, DSIIDC
through its General Manager,
N-63, Bombay Life Building,
Connaught Circus, New Delhi.

..... Respondents

Award No.	08/2001-2002
Village	Bawana
Date of Announcement of LAC Award	15.10.2001
Notification U/s 4 LA Act	F.10(20)2000/L&B/LA /6640 dt.07.08.2000
Notification U/s 6 LA Act	F.10(20)2000/L&B/LA /8578 dt.11.09.2000
Date of possession	05.10.2000

Date of Receipt of Reference : 29.08.2024

Date of Arguments : 07.04.2026

Date of Decision: 07.04.2026

**REFERENCE PETITION UNDER SECTION 18 OF THE
LAND ACQUISITION ACT 1894**

AWARD:

**(BY THE COURT U/S 26 OF LAND ACQUISITION ACT-
1894 ON REFERENCE PETITION U/S 18 OF THE ACT):**

1. This is a reference made by the Land Acquisition Collector (hereinafter referred to as 'LAC') under section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'LA Act'). The reference was initiated on a petition made by the petitioner who was aggrieved by the amount of compensation awarded by the LAC vide above-referred award.
2. As per the reference, a large tract of land measuring 1109 bighas 10 biswas of village Bawana, Delhi, was acquired by the Government for a public purpose namely “shifting of industrial units from city area of Delhi/ New Delhi”. A notification under Section 4 of The LA Act was issued on 07-08-2000. A Declaration under Section 6 of the LA Act was made on 11-09-2000. Thereafter, above-referred award was announced by the LAC. The LAC

determined the market price of the acquired land as Rs.13.82 lacs per acre.

3. The petitioner, being dissatisfied with the market value determined by the LAC, filed the present petition u/s 18 of the LA Act, seeking reference to this court. The LAC forwarded the same to this Court for adjudication.
4. The case of the petitioner is that petitioner was the absolute owner as well as in cultivatory possession of the land bearing khasra numbers as mentioned in the Statement u/s 19 of the LA Act that was annexed with the present reference and admitted by the petitioner during trial, situated within the Revenue Estate of Village Bawana, Delhi (the said land). The said land was acquired vide notification dated **07.08.2000**.
5. The petitioner has challenged the said award *inter alia* on the ground of inadequacy of compensation and incorrect assessment of market value of land inter-alia due to non-consideration of relevant factors like potentiality and fertility of the suit land, the surrounding colonies and developed areas, the market value of the adjoining areas/villages, the sale deeds of other lands of the contemporary period, nearness to the National Highway

and industrial areas, the amenities available in the suit land etc.

6. The petitioner has prayed compensation at enhanced rate besides interest thereon and solatium in addition to the compensation.
7. The respondent no.1/the Union of India (UOI)/Land Acquisition Collector and respondent no.2/DSI IDC contested the reference petition by filing their respective Written Statements.
8. The petition has been contested mainly on the ground that the LAC awarded adequate compensation to the petitioner after taking into consideration all the relevant factors and therefore, LAC has correctly assessed the market value of the land after taking into account the market rates prevailing at the time of notification under Section 4 of LA Act.

In written statement R-2/DSI IDC also supported the contention of R-1/UOI.

9. During the admission-denial of documents, counsel for the petitioner admitted the statement given u/s 19 of the Act. The following issues were framed :-

i) Whether the petitioner is entitled to enhancement in compensation, if so, to what amount?

OPP.

ii) Relief.

10. No evidence led on behalf of the petitioner. Accordingly, the right of the petitioner to lead PE was closed vide order dt. 06.04.2026.
11. The respondent no.1/ Union of India/UOI, in its evidence, tendered the award as Ex.R1. However, no one appeared on behalf of R-2/DSIIDC to lead RE. Accordingly, its right to lead RE is hereby closed vide order dt. 07.04.2026.
12. I have heard the Ld. Counsels for the parties and have also carefully considered the record. My issue-wise findings are given as under:-

FINDINGS ON ISSUE NO. 1 :-

13. Petitioner has contended that valuation of land determined by LAC is not reasonable as LAC has not adopted the correct method of valuation. However, he has not led any evidence.
14. After perusal of the record, it has come to the notice of this Court that the land in question is squarely covered by the leading case i.e. **Jai Singh Vs. UOI, LA No.266/08, decided on 23.08.2011 (Delhi High Court)** decided by the Ld. Predecessor of this Court. Though the

petitioner has not come forward for PE, I am of the view that she be granted the benefits bestowed on the similar parcel of the lands of the same village, vide the leading case of **Jai Singh Vs. UOI**. It would be grave injustice to the petitioner, whose land is otherwise acquired by the Government, be also denied the benefits accruing to the similarly placed persons of the same Village via the aforesaid leading case.

15. Moreover, no reason has been given by the respondents as to why the petitioner be denied the benefits accruing to similarly placed individuals vide the aforesaid leading case. Hence, I am inclined to grant to the petitioner the benefits arising out of the leading case i.e. **Jai Singh Vs. UOI**. Now, I shall proceed to evaluate this leading case and its impact on the present case.

16. **In Jai Singh Vs. UOI case (supra)**, the Hon'ble High Court, in the para 1 itself discussed the topography of the villages, the lands for which were under acquisition. The para 69 is being produced herein for convenience:

“Village Bawana Notification dated 7.8.2000

69. Pertaining to village Bawana relating to the same notification dated 7.8.2000 where the learned Reference Court has not enhanced the compensation, for parity of reasoning, fair market value for Category ‘A’ lands is fixed at `14.75 lakhs per acre and for Category ‘B’ lands

at `14,38,125/- per acre and noting that Union of India has neither filed any appeal or cross objection, appeals as per _GRID-C' hereinabove are allowed by fixing the compensation as hereinbefore mentioned and needless to state on the enhanced compensation the appellants shall be entitled to statutory benefits as per the Land Acquisition Act 1894 as explained in the judgment reported as Sunder Vs. UOI 2001 (93) DLT 569, except for the period where there is a delay in filing the appeal, for which period of delay no interest on the enhanced compensation shall be paid. These appellants would be entitled to proportionate cost.

17. Since, no different criteria has been shown in the present case, I have no reason to give a different treatment to the land of the petitioner and to give a determination, different from that determined in the **Jai Singh's case (Supra)**. The fair market value of the acquired land is adjudicated for Category A lands @ Rs.14.75 lakhs per acre and for Category B lands @ Rs.14,38,125/- per acre, as determined in **Jai Singh's case (Supra)**. Accordingly, in the given circumstances and in the interest of justice, I direct that the enhancement ordered in the same village vide the leading case **Jai Singh Vs. UOI, LA No.266/08, decided on 23.08.2011 (Delhi High Court)** should also be made applicable to the petitioner.

18. However to balance the equities particularly in light of the irresponsible conduct of the petitioner by not leading the PE resulting in wastage of precious judicial

time, I refuse the petitioner any interest from the date of the first hearing conducted in this reference till today.

19. In the given circumstances, the petitioner is granted the benefit of the enhanced compensation @ Rs.14.75 lakhs per acre and for Category B lands @ Rs.14,38,125/- per acre for the acquired land as mentioned in statement u/s 19 of L.A. Act filed.

20. Petitioner has also claimed compensation for crops, tree, tubewell etc. However, the petitioner has failed to lead any evidence to substantiate his claim or to establish that he was not awarded sufficient compensation for same. Accordingly, I hold that petitioner is not entitled to any enhancement in compensation on this count.

21. Besides above, petitioner shall be entitled to other statutory benefits under the LA Act viz. 12% **additional amount** [as per section 23 (1A)] and 30% **solatium** [u/s 23 (2)] and will be entitled to **interest** under Section 28 of L.A Act on the fair market value @ 9% per annum for the first year and @ 15% for subsequent year till the making of payment of enhanced compensation by LAC as per provision of Section 28 of the Act.

Issue no. 1 is decided accordingly.

22. **Findings on Issue No.2 – RELIEF**

In view of the findings on Issue no.1, the petitioner/s are granted the following reliefs: -

1. **fair market value @** Rs.14.75 lakhs per acre for Category A lands and **@** Rs.14,38,125/- per acre for Category B lands, whichever is applicable, for the acquired land, as per statement u/s 19 of the LA Act ;
2. **additional amount @** 12% per annum on the fair market value u/s 23 (1A) of the LA Act , from the date of notification u/s 4 of the LA Act till the date of award or dispossession, whichever is earlier ;
3. **solatium** u/s 23(2) of LA Act **@** 30% on the enhanced amount of market value;
4. **interest** under Section 28 of L.A Act **@** 9% per annum for the first year from the date of dispossession and at the rate of 15% per annum on the difference between the enhanced compensation awarded by this court and the compensation awarded by the LAC for the subsequent period till its payment. ***However, the petitioner shall not***

be entitled to any interest for the intervening period from the day of the first hearing in this reference before this Court till today.

23. The share(s) of the petitioner(s) would be determinable as per the statement u/s 19 of the L.A. Act proved on record and the said statement shall constitute a part of this award.

24. Reference petition stands answered. Parties to bear their own costs. A copy of this award be sent to the LAC for necessary information, action and expeditious compliance for remittance of the amount. File be consigned to record room.

**Announced in the
Open Court on 07.04.2026**

**(SIDHARTH MATHUR)
District Judge-01/North,
Rohini Courts/Delhi**

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