

□

C.A.No. 7123-7124 OF 1997
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7123-7124 OF 1997

PARTAP SINGH (DECEASED)BY LRS. & ANR. ... APPELLANTS

VERSUS

NATIONAL CAPITAL TERRITORY OF DELHI & ANR. ... RESPONDENTS

O R D E R

The learned counsel for the appellants contended that the High Court was not right and justified in not enhancing the amount of compensation, as was done in the case of Hoshiar Singh Vs. Union of India (LAC No.99/1973) whose lands were also notified for acquisition under the very notification dated 23.1.1965. According to the learned counsel, the High Court, instead of following the case of Hoshiar Singh, referred by it, followed the case of Baljit Singh & Ors. vs. Union of India & Ors. [1992 DLT 212] without noticing that in the case of Baljit Singh (supra) the land was acquired by a different notification and from a different village. The learned counsel also pointed out that

..2/-

.2.

the judgment of the High Court in Hoshiar Singh was cited before the High Court and the said judgment has attained finality having not been challenged by the respondents before this Court. None appears for the respondents.

We have perused the judgment in Hoshiar Singh's case. The High Court having considered various aspects, has determined the market value of the land @ Rs.14,340/- per bigha in respect of lands uniformly covered by the notification dated 23.1.1965 issued under Section 4(1) of the Land Acquisition Act, 1894. The land in question of the appellants is also covered by the very notification. This being the position, the High Court was not justified in determining the market value of the land in question @Rs.3,000/- per bigha. Having regard to the judgment of the High Court in Hoshiar Singh afore-mentioned, these appeals are entitled to succeed. The market value of the land in question is determined @ Rs.14,340/- per bigha and the compensation amount is also enhanced on that basis. The appellants are entitled to other statutory benefits

..3/-

.3.

The impugned judgment stands modified in the terms stated above. The appeals are, accordingly, allowed.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.

New Delhi,
August 25, 2004.
ITEM NO.103

[B.N. SRIKRISHNA]

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 7123-7124/1997

PARTAP SINGH (DECEASED)BY LRS. & ANR. ... APPELLANTS

VERSUS

NATIONAL CAPITAL TERRITORY OF DELHI & ANR. ... RESPONDENTS

Date: 25/08/2004 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s)
Ms. Kusum Chaudhary, Adv.
Mr. H.S. Munjral, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Heard learned counsel for the appellants for 10 minutes.
The appeals are allowed with no costs in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)