

SUPR EME COUR T OF I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1728 OF 2003

UNION OF INDIA Appellant (s)

VERSUS

OM PRAKASH Respondent(s)

(With office report )

WITH Civil Appeal NO. 1729 of 2003  
Civil Appeal NO. 1730 of 2003  
Civil Appeal NO. 1731 of 2003  
Civil Appeal NO. 1732 of 2003  
Civil Appeal NO. 1733 of 2003

Date: 28/07/2009 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Appellant(s) Ms. Rekha Pandey,Adv.  
Ms. Sadhana Sandhu,Adv.  
Ms. Gunwant Dara,Adv.  
Ms. Anil Katiyar,Adv.  
Ms. Asha G. Nair,Adv.  
Mr. D.S. Mahra,Adv.

For Respondent(s) Mr. Vishnu B. Saharya,Adv. for  
-DDA M/S Saharya & Co.

UPON hearing counsel the Court made the following  
ORDER

The appeals are disposed of in terms of the signed order.  
(Sunil Kumar) (Shashi Bala Vij)  
A.R.-Cum-P.S. Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.1728 OF 2003

Union of India ... Appellant  
Versus  
Om Prakash ... Respondent

[WITH CIVIL APPEAL NOS.1729/2003, 1731/2003,  
1730/2003, 1732/2003 AND 1733/2003]

ORDER

This order shall dispose of the following Civil Appeals, they  
being Civil Appeal No.1728 of 2003, Civil Appeal No.1729 of 2003,

Civil Appeal No.1730 of 2003, Civil Appeal No.1731 of 2003, Civil Appeal No.1732 of 2003 and Civil Appeal No.1733 of 2003. By these appeals, the Union of India has challenged the judgment of the High Court, enhancing the compensation for the compulsory acquisition from Rs.76,550/- per Bigha to Rs.3,45,000/- per Bigha (Rs.345/- per sq. yds.).

The learned counsel points out that this acquisition pertained to the lands at village Dallupura. It is further pointed out by the learned counsel that in the earlier judgment reported in Delhi Development Authority v. Bali Ram Sharma & Ors. [(2004) 6 SCC 533], this Court was dealing with the Notifications under Section 4 dated 17.11.1980 and 24.11.1981, both these notifications were concerned with the lands at villages Kondli, Gharoli and Dallupura. The learned counsel, therefore, points out that even the present appeals also pertain to the lands at Dallupura and as such the afore-mentioned judgment shall also apply to the present appeals. We find from the judgment that this Court had reduced the compensation from Rs.3,45,000/- per Bigha, as was given by the High Court, to Rs.76,550/- per Bigha as awarded by the Additional District Judge. In that judgment, this Court relied upon another judgment, namely, Karan Singh v. Union of India reported in (1997) 8 SCC 186, which also pertained

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to the same villages. The learned counsel, therefore, points out that even in these appeals the judgment will apply on all force and the compensation granted at the rate of Rs.3,45,000/- per Bigha would have to be reduced to Rs.76,550/- per Bigha. The learned counsel points out that in Civil Appeal Nos.1729, 1730, 1731, 1732 and 1733 of 2003 the section 4 notification is dated 17.11.1980 and hence the payable compensation would have to be reduced to Rs.76,550/- per Bigha.

The respondents though served are absent.

We find no justification in taking any different view than what has been taken in Bali Ram Sharma's case.

However, in respect of Civil Appeal No.1728 of 2003 it is found that the notification under Section 4 dated 24.11.1981 applies. In Bali Ram Sharma's case, this Court considered the notification dated 24.11.1981 and added 10% increase, since this notification was subsequent to the notification dated 17.11.1980. The learned counsel very fairly submits that insofar as Civil Appeal No.1728 of 2003 is concerned, along with the compensation at the rate of Rs.76,550/-, 10% would have to be added by way of escalation. We accept the contention. Insofar as Civil Appeal No.1728 of 2003 is concerned, the rate of compensation shall be Rs.76,550/- per Bigha plus 10% escalation with statutory benefits available under the Act. However, in other appeals the compensation shall be Rs.76,550/- per Bigha with statutory benefits available under the Act. In view of the above, the appeals are disposed of accordingly. No costs.

.....J.  
(V.S. SIRPURKAR)

.....J  
(CYRIAC JOSEPH)

New Delhi,  
July 28, 2009.