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SLP(C)No. 9119 OF 1999

ITEM No.34

Court No.10

SECTION XIV
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.9119/1999@@
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(From the judgement and order dated 08/10/1998 in RFA-486/98
of The HIGH COURT OF DELHI AT N. DELHI)

UNION OF INDIA

Petitioner (s)

VERSUS

RAM NATH (DEAD) BY LR & ORS.

Respondent (s)

(With prayer for interim relief)
(With Office Report)

Date : 19/02/2001 This Petition was called on for hearing today.@@
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CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. N.N. Goswami, Sr. Adv.
Mrs. Rekha Pandey, Adv.
Mr. D.S. Mahra, Adv. for
Mr. Arvind Kumar Sharma, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

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Leave granted.
The Civil Appeal is disposed of in terms of the Signed
Order.
There will be no order for cost.

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(Subhash Chander)
Court Master

(S. Malkani)
Court Master

[Signed Order is placed on the file]

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CIVIL APPEAL NO.1423 OF 2001@@
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[Arising out of S.L.P.(C) No.9119 of 1999]

Union of IndiaAppellant

Versus

Ram Nath (Dead) by LR & Ors.Respondents

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Leave granted.

Heard Shri N.N. Goswami, learned senior counsel for the appellant. There is no appearance for the respondents despite service of notice.

The judgment of the Reference Court was passed relying on the decision of the High Court in the case of Dharamvir & Ors. vs. Union of India and the rate of compensation was fixed at Rs.25,000/- per bigha. The judgment in Dharamvir's case was the subject-matter of appeal, before this Court in Civil Appeal No.4405 of 1997 which was decided on 06th August, 1998. This Court set aside the judgment of the High Court enhancing the rate of compensation from Rs.16,750/- to Rs.22,000/- per bigha and maintained the rate as fixed by the Reference Court, that is, Rs.16,750/- per bigha.

It is submitted before us that the case in hand is similar on all material aspects, to the case of Dharamvir vs. Union of India. In this case as in the case of Dharamvir the acquisition was made by the notification dated 30th October, 1963 for the planned development of Delhi. The lands in both the cases are located in the village Mamurpur.

In view of the factual position stated above this appeal succeeds in part. The judgment of the Reference Court as modified by the High Court is modified to the extent that the respondents are entitled to compensation at the rate of Rs.16,750/- per bigha instead of Rs.25,000/- per bigha. The appeal is disposed of accordingly. There will be no order for cost.

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.....J.
[D.P. MOHAPATRA]

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

New Delhi.
February 19, 2001.@@
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