

to the date of acquisition. The average price paid therein was Rs.4,000/- per marla. Considering the fact that it was for a small piece of land measuring four marlas, the learned Court below applied a cut of 50%. If an increase @ 10% per annum is granted to the land owners on the value as shown in sale deed (Ex.R1) for the time gap of one year and three months, the cut, which has been applied by the learned Court below, would come about to 55% which, in my opinion, is quite reasonable. In any case, for any marginal adjustment, this Court would not like to interfere about 20 years after the acquisition."

The High Court then considered the respondents' prayer for grant of enhanced compensation in lieu of severance and held:

"As far as claim of damages on account of severance is concerned, in my opinion, considering the un-controverted evidence in the form of a report of the Local Commissioner and also the site plan, produced on record by him, in view of which it is evident that the left over

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land of the land owners had been made totally inaccessible by putting the fencing and the gate, the land owners are certainly entitled to more compensation on that account. The same having been granted by the learned Court below merely @ 30% is quite on lower side, especially when the aforesaid facts are not in dispute.

In view of the un-controverted evidence on record, in my opinion, the land owners should be paid at least 50% of the value, as assessed for the acquired land, for the un-acquired portion thereof."

We have heard learned counsel for the petitioners and carefully perused the record. In our view, the reasons assigned by the learned Single Judge of the High Court for approving the market value fixed by the Additional District Judge and for directing enhanced damages on account of severance are legally correct and the impugned judgment does not call for interference by this Court under Article 136 of the Constitution.

The special leave petitions are accordingly dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master