

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.4943 OF 2006

N.D.SHARMA & ORS.  
VS.

... APPELLANT(S)

UNION OF INDIA & ORS.

... RESPONDENT(S)

WITH

CIVIL APPEAL NOS.4944/2006 & 282/2008

J U D G M E N T

ANIL R. DAVE, J.

1. Delay in filing substitution applications in Civil Appeal No.4943/2006, is condoned.

2. Applications in Civil Appeal No.4943/2006, for bringing on record the legal representatives of Appellant Nos.1 and 3 are allowed.

3. In all these appeals, the issue involved is with regard to enhancement of compensation in respect of the land, which had been acquired under a Notification issued under Section 4 of the Land Acquisition Act, 1894, on 3 rd June, 1987 for establishment of a Power House. A big chunk of land ad-measuring approximately 270 bighas and 15 biswas was acquired by the Government from three different villages, namely, Holambi Khurd, Bawana and Naya Bans @ Iradat Nagar.

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4. It is an admitted fact that for the land situated in Iradat Nagar, a sum of Rs.32,951/- (Rupees Thirty Two Thousand Nine Hundred Fifty One only) per bigha had been awarded by the High Court by its judgment in RFA No.859/1995 [ Ram Kishan (Deceased) Thru. LRs. Vs. Union of India ] decided on 4 th March, 2004.

5. It is also an admitted fact that the land of Iradat Nagar and the land, which is the subject matter of these appeals, abut each other and they all form part of one chunk of land.

6. In the circumstances, we are of the view that same amount of compensation should be awarded to the present appellants in respect of their acquired land and therefore, we direct that a sum of Rs.32,951/- (Rupees Thirty Two Thousand Nine Hundred Fifty One only) per bigha and statutory benefits should be awarded to the appellants.

7. The impugned judgment is modified accordingly. The appeals stand allowed with no order as to costs. Pending application, if any, stands disposed of.

.....J.

[ANIL R. DAVE]

.....J.

[SHIVA KIRTI SINGH]

.....J.

[ADARSH KUMAR GOEL]

New Delhi;

13 th

January, 2016.

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ITEM NO.105

COURT NO.2

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 No(s).4943/2006

N.D.SHARMA & ORS.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for substitution and c/delay in filing substitution appln. and office report)

WITH C.A.Nos.4944/2006 & 282/2008-(With Office Report)

Date : 13/01/2016 These appeals were called on for hearing today.

CORAM :

HON&#39;BLE MR. JUSTICE ANIL R. DAVE

HON&#39;BLE MR. JUSTICE SHIVA KIRTI SINGH

HON&#39;BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Mr. Rohit Sharma,Adv.

Mr. Ajay Kumar Talesara,Adv.

For Respondent(s) Mr. Subramoniam Prasad,Sr.Adv.

Mr. Abhay Kumar,Adv.

Mr. Tenzing Tsering,Adv.

Mr. Vishnu B. Saharya,Adv.

Mr. Viresh B. Saharya,Adv.

for M/s. Saharya & Co.,Advs.

Ms. Kiran Bhardwaj,Adv.

Mr. S.W.A. Qadri,Adv.

Mr. M. Khairati,Adv.

Mr. Zaid Ali,Adv.

for Mr. D.S. Mahra,Adv.

UPON hearing the counsel the Court made the following

O R D E R

The appeals are allowed with no order as to costs in terms of signed Non-reportable judgment.

(Sarita Purohit )

Court Master

(Sneh Bala Mehra)

Assistant Registrar

(Signed Non-reportable judgment is placed on the file)