

ITEM NO.14

COURT NO.4

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S).  
32526-32535/2013

(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 26/09/2011  
IN LAA NO. 657/2008, 751/2008, 753/2008, 788/2008, 789/2008,  
790/2008, 791/2008, 792/2008, 794/2008 and 133/2009 PASSED BY THE  
HIGH COURT OF DELHI AT NEW DELHI)

GARIMA ETC. ETC.

PETITIONER(S)

VERSUS

UNION OF INDIA &amp; ANR.

RESPONDENT(S)

(WITH APPLN. (S) FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS AND  
OFFICE REPORT)

[FOR FINAL DISPOSAL]

WITH

SLP(C) NO. 11773/2014

(WITH APPLN. (S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C) NO. 19199/2014

(WITH APPLN. (S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

Date : 26/04/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE NAVIN SINHA

For parties:

Mr. K. S. Rana, Adv.

Ms. Pinky Anand, ASG

Mr. Hemant Arya, Adv.

Mr. Rajesh Ranjan, Adv.

Mr. B.K. Prasad, Adv.

Mr. Vishnu B. Saharya, Adv.

Mr. Viresh B. Saharya, Adv.

for M/s Saharya &amp; Co., Adv.

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

Delay condoned.

Leave granted in all the Special Leave Petitions.

The appeals are disposed of in terms of the signed order. Consequently, all pending applications are also disposed of.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]



CIVIL APPEAL NOS.5613-5622 OF 2017 @  
SPECIAL LEAVE PETITION (CIVIL) NOS.  
32526-32535/2013 [GARIMA ETC. ETC. VS.  
UNION OF INDIA & ORS.]

4. These appeals by the landowners are against the common judgment and order of the High Court of Delhi dated 26<sup>th</sup> September, 2011 by which the compensation for acquisition of land(s) belonging to the appellants - landowners has been enhanced by the High Court from Rs.1,39,026.40 per bigha awarded by the learned Reference Court to Rs.1,53,000/- per bigha.

5. Before the High Court, amongst others, two contentions were advanced on behalf of the appellants. Relying on a notification bearing No. TCO 82/47 dated 23<sup>rd</sup> April, 1983, it was contended on behalf of the appellants - landowners that the village Rithala wherein acquisition of land has taken place had been declared to be an urban area under Sections 506 and 507 of the Delhi Municipal Corporation Act, 1957

as far back as in the year 1983. The instant acquisition was made in the year 1993. The compensation, therefore, ought to have been determined by taking the land to be urban land and not agricultural land as has been done by the High Court in paragraph 4 of its judgment and order dated 26<sup>th</sup> September, 2011.

6. Secondly, it was urged on behalf of the appellants that there is a Government of India Notification (No.J.13036/38/93/DDA) dated 30<sup>th</sup> October, 1995 issued by the Ministry of Urban Affairs and Employment by which the rates charged for allotment of plots in Rohini Residential Scheme, Phase-III was fixed at Rs.1650.50 per sq. mtr. in the year 1992-1993. The appellants - landowners had contended that as the Government itself had predetermined the rate of allotment of the land/plots in Rohini Residential Scheme, Phase-III, the

said Notification bearing No. J.13036/38/93/DDA dated 30<sup>th</sup> October, 1995 should have been taken into account in determining the compensation for the instant land which was claimed to have the same features and potentiality as the land included in Rohini Residential Scheme, Phase-III (Sector Nos. 20 to 25).

7. From a reading of the judgment of the High Court it does not appear that either the notification dated 23<sup>rd</sup> April, 1983 or the notification dated 30<sup>th</sup> October, 1995 was considered by the High Court to determine the compensation awardable. This is notwithstanding the fact that in Ground D and E of the Grounds of Appeal in the appeal filed by the appellants before the High Court the aforesaid contentions were specifically raised. In the above situation, we are inclined to take the view that it was the bounden duty of the High

Court to consider the aforesaid pleas urged before arriving at its conclusion in the matter of compensation due.

8. In the aforesaid circumstances, we are of the view that it would be appropriate to cause a remand of the proceedings to the High Court for a fresh consideration of the entitlement of the appellants to compensation on the basis of the two notifications referred to above i.e. dated 23<sup>rd</sup> April, 1983 and 30<sup>th</sup> October, 1995. As much time has elapsed and the acquisition was made way back in the year 1993 we hope and trust that the High Court would decide the matter as expeditiously as possible, preferably within a period of six months from the date of receipt of the records.

9. Consequently and in the light of the above, the order of the High Court is set aside and the matters are remanded for

a de novo consideration in the light of the observations contained herein above. The appeals consequently are allowed to the extent indicated above.

CIVIL APPEAL NO(S) 5623 OF 2017

[Arising out of SLP (Civil) No.11773 OF 2014] AND

CIVIL APPEAL NO(S) 5624 OF 2017

[Arising out of Special Leave Petition (Civil) No.19199 OF 2014]

10. In view of the order passed today i.e. 26<sup>th</sup> April, 2017 in Civil Appeals arising out of Special Leave Petition (Civil) Nos.32526-32535/2013, these appeals are also disposed of in terms of the aforesaid order dated 26<sup>th</sup> April, 2017.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(NAVIN SINHA)

NEW DELHI  
APRIL 26, 2017