



2026:DHC:3578



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 07.04.2026
Date of decision: 28.04.2026
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+ LA.APP. 101/2019 & CM APPL 76909/2025
PARMAL (DECEASED) THR LRS & ANR. Appellants

Through: Mr. Bhagwat Prasad Gupta, Adv.

Versus

UNION OF INDIA & ANR Respondent

Through: Mr. Sanjay Kumar Pathak, SC for R-1/UEI with Mrs. K.K.Kiran Pathak, Mr. Sunil Kr. Jha, Mr. M.S. Akhtar, Advs.
Ms. Prity Sharma, Adv. for R-2/DDA.

CORAM:
HON'BLE MS. JUSTICE SHAIL JAIN

JUDGMENT

SHAIL JAIN, J.

1. The present Appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 ["*LA Act*"] against the Judgment and Award dated 10.04.2019 passed by the learned ADJ-01 (South-East), Saket Court, New Delhi in LAC No. 44/2016 titled *Parmal (Deceased) Through LRs & Anr. v. Union of India & Anr.* ["*Impugned Award*"], whereby the learned Reference Court assessed the market value of the acquired land at Rs.89,600/- per Bigha in respect of land situated in the revenue estate of



Village Kilokari, acquired *vide* Award No. 14/1992-93 pursuant to Notification dated 23.06.1989 issued under Section 4 of the LA Act.

BRIEF FACTS

2. The acquisition commenced with a Notification dated 23.06.1989 issued under Section 4 of the Act for acquisition of lands in several villages, including Village Kilokari, for the purpose of channelization of the River Yamuna as part of the planned development of Delhi. This was followed by a declaration under Section 6 of the Act dated 22.06.1990. The urgency provisions under Section 17 of the Act were also invoked in respect of the acquired land.

3. Pursuant to the aforesaid notifications, the Land Acquisition Collector conducted proceedings and announced Award No. 14/1992-93 dated 19.06.1992 in respect of Village Kilokari, determining the market value of the acquired land at Rs. 27,344/- per bigha. The determination was based on the minimum price of agricultural land fixed by the Delhi Administration under Office Order No. F.9(20)/80-L&B/4313-16 dated 03.05.1990, with a pro rata deduction of 15% per annum on account of the earlier issuance of the notification under Section 4, the land having been treated as 'Sailabi' in nature. Possession of the acquired land was taken in phases on 27.12.1990, 22.09.1995 and 15.10.1996.

4. Aggrieved by the compensation so determined, the appellants sought a reference under Section 18 of the Act by filing Petition No. R-213 dated 29.07.1992 before the Land Acquisition Collector, claiming market value at Rs.2,000/- per square yard along with statutory benefits. The said reference, however, was forwarded to the learned Reference Court only on 08.01.2016,



after a lapse of over 23 years, without any explanation from the Land Acquisition Collector. The learned Reference Court nevertheless held the Reference Petition to be within limitation.

5. The learned Reference Court, after framing issues and recording evidence, disposed of the reference *vide* Award dated 10.04.2019. While doing so, it placed reliance on earlier coordinate awards arising out of the same Award No. 14/1992-93 pertaining to Village Kilokari, particularly the award passed by the learned ADJ-02 (South), whereby compensation had been enhanced to Rs.89,600/- per *bigha*. Following the said determination, the learned Reference Court held that the Award of the Land Acquisition Collector did not reflect a reasoned assessment of market value and, accordingly, enhanced the compensation to ₹89,600/- per *bigha*.

6. The learned Reference Court further awarded all statutory benefits, including solatium @ 30% under Section 23(2) of the Act; the additional amount @ 12% per annum under Section 23(1A) of the Act from the date of notification under Section 4 till the date of the award or taking of possession, whichever is earlier; and interest @ 9% per annum on the enhanced amount for the first year and @ 15% per annum thereafter till the date of deposit.

7. The present Appeal forms part of a larger batch of matters arising out of the same Notification dated 23.06.1989 and the connected awards. Appeals pertaining to Village Kilokari and adjoining villages, including Nangli Razapur, Khizrabad and Garhi Mendu, were heard together by coordinate bench of this Court, with LA.APP. No. 59/2007, ***Bed Ram v. Union of India & Anr.***, treated as the lead case. The said batch was finally



decided vide Judgment dated 26.09.2025 by the coordinate bench of this Court.

8. However, despite the present Appeal arising out of the same Notification dated 23.06.1989, the same Award No. 14/1992-93, and pertaining to the same village, i.e., Village Kilokari, it was not listed along with the batch matters and did not form part of the judgment dated 26.09.2025. The record discloses that due to inadvertence, LA Appeal No. 101/2019 was not placed before this Court along with the connected batch matters at the time of hearing and disposal of the Bed Ram batch.

9. In these circumstances, the appellants moved CM APPL 76909/2025 under Section 151 of the Code of Civil Procedure, 1908, seeking that the present appeal be placed before this Court and decided in terms of the judgment passed in the lead case of *Bed Ram (Supra)*.

10. During the pendency of proceedings, the original petitioners expired and were substituted by their legal representatives, who are prosecuting the present Appeal.

SUBMISSIONS OF THE PARTIES

11. Learned counsel for the appellants submits that the issues involved in the present appeal are identical to those considered in *Bed Ram (supra)* and adopts the submissions advanced therein. Learned counsel for the respondents does not dispute that the present appeal arises from the same Notification and Award and, likewise, adopts the submissions advanced on their behalf in the said batch, without raising any objection.



ANALYSIS AND FINDINGS

12. Section 54 of the Land Acquisition Act, 1894 confers appellate jurisdiction upon this Court to examine the correctness of an award made under Part III of the Act. The jurisdiction is co-extensive with that of a first appeal, enabling re-appreciation of evidence and scrutiny of the methodology adopted for determination of market value. However, in the present case, such independent re-assessment is not warranted, as the issues stand concluded by the decision in ***Bed Ram v. Union of India & Anr., LA.APP. No. 59/2007 & connected matters, decided on 26.09.2025.*** The exercise before this Court is, therefore, one of application of a determination rendered on an identical factual and evidentiary basis, guided by the principles of judicial discipline and parity, rather than of independent re-adjudication.

13. The present appeal arises out of the **same notification** dated 23.06.1989, the **same Award No. 14/1992–93**, and pertains to land situated in **Village Kilokari**, forming part of the very batch adjudicated in ***Bed Ram (supra)*** by a Coordinate Bench of this Court (*hereinafter referred to as the “Coordinate Bench”*). The said decision, rendered on an identical evidentiary record, squarely governs the present appeal.

14. Before the learned Reference Court, evidence was led by the parties and duly considered. At the appellate stage in the *Bed Ram* batch, pursuant to the liberty granted by the Hon’ble Supreme Court by order dated 13.01.2015 and the consequential Orders dated 13.03.2015 and 30.07.2015 passed by coordinate bench of this Court, additional evidence was adduced by way of affidavit, with the appellants examining AW-1 Sh. Kailash Sharma in LA.APP. 59/2007 and AW-1 Sh. Karan Singh in LA.APP.



54/2011, and the respondents examining RW-1 Sh. Ravinder Dang, Naib Tehsildar, Office of the Land Acquisition Collector, South/East, all of whom were duly cross-examined before this Court, and such evidence was directed to be read across all connected appeals. The evidentiary record is identical to that considered in *Bed Ram (supra)*, and in the absence of any additional evidence, the same findings also apply to present appeal.

15. The finding of the learned Reference Court that the reference was within limitation has not been challenged in the present Appeal and is not disturbed.

16. In *Bed Ram (supra)*, the Coordinate Bench undertook a comprehensive evaluation of the evidentiary record and all relevant factors governing determination of market value, including sale exemplars, the nature and character of the land, its location and development potential, the statutory framework, and the principle of parity. Upon such evaluation, the registered Sale Deed dated 17.03.1988 pertaining to Village Kilocari at Rs.2,07,500/- per *Bigha* was accepted as the highest, proximate and duly proved exemplar. The '*Sailabi*' classification adopted by the Land Acquisition Collector was rejected as unsupported by the record, and the land was held to possess significant development potential. The respondents' Sale Deeds were found not proved in accordance with law. The determination was further reinforced by application of the principle of parity, having regard to the same notification, public purpose, and uniform LAC rate across the four villages, and was rendered pursuant to the directions of the Supreme Court in *Union of India v. Ram Lal & Ors.*, Civil Appeal No. 1939/2012.



CONCLUSION

17. In view of the foregoing, the present Appeal is squarely governed by the Judgment of the Coordinate Bench in *Bed Ram v. Union of India & Anr.*, *LA.APP. No. 59/2007*. The notification, the Award, the village, and the evidentiary record being identical, no independent re-determination of market value is warranted. No distinguishing feature of fact or law has been brought to the notice of this Court. Judicial discipline and the principle of parity require uniform application of the said determination to the present Appeal, as any deviation would result in arbitrary and discriminatory treatment of similarly situated landowners under the same notification, which neither the statute nor the principles of fair compensation permit.

18. This Court thus, in consonance with the aforesaid position, deems it apposite to Award compensation for the acquired land in **Village Kilokari at the rate of Rs.2,07,500/- per bigha**, in terms of the determination of the Coordinate Bench, there being no justification to depart therefrom in the absence of any distinguishing feature.

19. The Appeal are accordingly allowed. The Appellant are entitled to receive compensation at the rate of Rs. 2,07,500/- per *bigha*.

20. Since the Appellant have already received compensation at the rate of Rs.89,600/- per *bigha*, the balance amounts shall be paid to the Appellants along with interest and all other statutory benefits, in accordance with law.

21. Section 28A of the LA Act provides that where in an Award the Court allows compensation to an applicant in respect of the acquired land, all persons whose land had been similarly acquired would be awarded the same compensation, even if they had not applied for the same. Once a particular rate of compensation is judicially determined, the benefit of such rate must



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be given to all persons whose land was acquired under the same Notification. Thus, the appellant, whose land has been acquired in Village Kilokari, shall be entitled to the enhanced compensation.

22. The **CM APPL 76909/2025** filed under Section 151 of the Code of Civil Procedure, 1908 seeking disposal of the present Appeal in terms of the Judgment in *Bed Ram (supra)* is **allowed**. There shall be no order as to costs.

SHAIL JAIN, J

APRIL 28, 2026

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