

SHIMLA DEVELOPMENT AUTHORITY AND ORS

v.

SMT. SANTOSH SHARMA AND ANR.

NOVEMBER 22, 1996

[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

*Land Acquisition Act, 1894 :*

*Land Acquisition—Compensation—Deduction of development charges—Extent of—Compensation awarded by Land Acquisition Officer @ Rs. 40,000 per bigha—Reference Court enhanced the compensation to Rs. 1,00,000—Deduction of 40% towards development charges—Held, valid.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 15550 of 1996.

From the Judgment and Order dated 5.1.90 of the Shimla High Court in R.F.A. No. 11 of 1988.

H.K. Puri for Naresh Kr. Sharma for the Appellants.

The following order of the Court was delivered :

Leave granted.

Notice was sent to the respondents as early as on July 25, 1991 but neither the unserved notice nor the acknowledgement cards have so far been received from the respondents. So notice must be deemed to have been on them.

Notification under Section 4(1) of the Land Acquisition Act, 1894 was published on 23.1.1986 acquiring land situated at Patti Rihana I and II and Kasumpti Junga of Tehsil & District Shimla. The Land Acquisition Officer awarded the compensation at the rate of Rs. 40,000 per bigha. On reference, the District Judge enhanced the compensation to Rs. 1,00,000. On appeal, the High Court after deducting 40% of the compensation awarded towards development charges, has confirmed the same in the impugned judgment. Shri H.K. Puri, learned counsel for appellants contended that in several judgments, this Court has confirmed deduction upto

A 40% of the compensation towards development charges and that, therefore, the same ratio would be maintained in all the cases. In some cases this Court has pointed out that depending upon the location of the land and development needed, deduction between 30% to 40% was proper and was approved. In this case the Division Bench has accepted this :

B I am of the view a deduction of the 40% would be reasonable."

We are, therefore, of the view that the High Court has correctly applied the principle and we find no ground to interfere with it.

The appeal is accordingly dismissed.

C

T.N.A.

Appeal dismissed.