



2026:AHC:57722

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL No. - 287 of 2026

Kalu Ram (Since Deceased) And 13 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Madan Mohan Chaurasisa, Sudhanshu Kumar, Swapnil Kumar, Vedanshi Chaurasia
Counsel for Respondent(s)	:	Aditya Bhushan Singhal

Court No. - 38

HON'BLE SANDEEP JAIN, J.

Heard learned counsel for the appellant and Sri Aditya Bhushan Singhal, learned counsel for NOIDA.

Appeal is admitted.

The instant first appeal under Section 54 of the Land Acquisition Act, 1894 has been filed by the landowners for enhancement of compensation against the impugned award and decree dated 02.02.2010 passed by the Court of Additional District & Sessions Judge, F.T.C.-4, Gautam Buddh Nagar in LAR No. 5 of 1997, [Kalu Ram (deceased) and Others Vs. State of U.P. & another], whereby reference made by the landowners for enhancement of compensation has been rejected.

Learned counsel for the appellant submitted that in similar land acquisition matters relating to the same village and same notification, the other landowners had challenged the award of the Reference Court by filing First Appeal No. 298 of 2015 (Bhawar Singh v. Noida & Another) which was allowed by the Division Bench of this Court vide order dated 18.05.2015, whereby compensation at the rate of Rs. 340/- per sq. yard besides other statutory benefits admissible under the Land Acquisition Act, 1894 was awarded to the landowners, which was challenged by the landowners by filing Special Leave Petition (Civil) Diary No. 618 of 2021 which was dismissed by the Apex Court on 22.10.2021. Learned counsel submitted that since the matter has attained finality from the Apex Court, as such, appellant is also entitled to get compensation at the rate of Rs. 340/-per sq. yard regarding his acquired land situated in Village Naurangabad Khadar, District- Ghaziabad, now Gautam Buddh Nagar.

Per contra, Shri Aditya Bhushan Singhal, learned counsel representing the

NOIDA very fairly conceded that the Division Bench of this Court has awarded compensation at the rate of Rs. 340/- per sq. yard vide order dated 18.05.2015 which was not challenged by the Authority before the Apex Court but learned counsel submitted that the appellant may not be granted interest on the enhanced amount of compensation awarded by this Court for the period during which the appeal remained defective on account of non-payment of court fees and remained dismissed for want of prosecution.

I have heard learned counsel for both the sides and perused the record.

It is apparent that in the instant appeal, the matter relates to acquisition of land situated in Village Naurangabad Khadar, Pargana and Tehsil Dadri, District- Ghaziabad, now Gautam Buddh Nagar, which was acquired vide notification under Section 4(1) of the Act dated 06.01.1992, the possession of the land was taken on 31.03.1994 and the Award of the Collector was made on 12.08.1996, whereby compensation at the rate of Rs. 54.54 per sq. yard was awarded to the landowners besides other statutory benefits admissible under the Land Acquisition Act, which has been upheld by the Reference Court vide impugned award and decree dated 02.02.2010.

It is also apparent that regarding similar land acquisition matters regarding the same village and same notification under Section 4(1) of the Act, the other landowners had previously challenged the Award of the Reference Court by filing First Appeal No. 298 of 2015 (Bhawar Singh v. Noida & Another) which was allowed by the Division Bench of this Court vide order dated 18.05.2015, whereby compensation at the rate of Rs. 340/- per sq. yard besides other statutory benefits admissible under the Land Acquisition Act, 1894 was awarded to the landowners, which was challenged by the landowners by filing SLP (Civil) Diary No. 618 of 2021, which was dismissed by the Apex Court vide order dated 22.10.2021. It is apparent that the matter has attained finality and as such, the appellant is also entitled to get compensation at the same rate as has been awarded by the Division Bench of this Court vide order dated 18.05.2015 for his acquired land situated in Village Naurangabad Khadar, District- Ghaziabad, now Gautam Buddh Nagar.

Accordingly, this appeal is allowed. The appellant is entitled to get enhanced compensation at the rate of Rs. 340/- per square yard for his acquired land along with solatium @ 30%, additional compensation @ 12% per annum and interest under Section 28, as provided under the Land Acquisition Act, 1894.

In the instant case, the reference was dismissed on 02.02.2010 but the appeal was filed on 01.08.2018 with the delay of 8 years 90 days, as such, the appellants are not entitled to get interest on the enhanced amount of

compensation awarded by this Court for the period between 03.02.2010 to 01.08.2018.

However, in the facts and circumstances of the case, the parties shall bear their own costs.

Office is directed to prepare the decree accordingly.

All pending application(s), if any, stands disposed of.

March 20, 2026
Himanshu

(Sandeep Jain,J.)