

appointed Sh. Gaurav Agrawal, learned counsel, as Advocate Commissioner to make a site inspection and to give us a report. Sh. Gaurav Agrawal then gave a report, which is reflected in the order dated 26.11.2018, as a result of which, both sides were told to approach the Additional District Magistrate, District Gautam Budh Nagar within two weeks. He was to hear the parties and thereafter, to identify Survey Nos. 135 and 138 in Village Chhalera Khadar, Tehsil Dadri and to demarcate the same.

The ADM's report was then received by this Court and by our order dated 13.01.2020, we directed the NOIDA to allot appropriate land elsewhere admeasuring the extent to which the petitioner's and the applicant's land was taken over by them without authority of law. The NOIDA came back to us and instead of doing the needful, sought to re-argue the matter, as a result of which, we passed the order dated 17.02.2020, which is reproduced as under :-

"We are satisfied that the affidavit that has been filed by NOIDA merely seeks to re-argue the matter instead of approaching the matter constructively and telling us where alternative land can be given. So far as Khasra No. 135 is concerned, the difference is between 7.22 hectares and 5 hectares; and so far as Khasra No. 138 in this area is concerned, the difference is between 2.207 hectares and 0.8407 hectares. Since, it is clear that the respondent is not willing to give any alternative land and since the petitioner has averred that this land was forcibly taken from her in 2010, we appoint Knight Frank having its office at 1505-1508,

15thFloor, Tower B, Signature Tower, South City 1, Gurugram -122001, in order to go to the specified lands and conduct a valuation exercise as to the market value of these two khasra Nos. as on 01.01.2010, in the presence of the petitioner/applicant as well as the NOIDA authorities, on 13th March, 2020. The valuation report as to the market value of the said lands as on 01.01.2010, be submitted to this Court within a period of three weeks thereafter. The petitioner will deposit a sum of Rs.1 lakh on account with the Valuer. List the matter on 14th April, 2020.

Since that date, the Valuation Report has since been submitted to this Court by Knight Frank, in which the Valuer ultimately arrived at a rounded up figure of Rs. 20,000/- per sq. meter. Since the NOIDA was dissatisfied with this report, it wrote a letter to the Valuer, and the Valuer examined the aforesaid letter, and by a letter written to the Assistant Registrar of this Court dated 14.10.2020, the Valuer went into the objections made by the NOIDA and ultimately reiterated the valuation earlier made.

This being the case, we are of the view that justice would be done in the facts of the present case, if compensation is awarded to the petitioner and the applicant at the aforesaid rate for the lands so taken over, as reflected in our order dated 13.01.2020. The NOIDA is directed to pay the aforesaid sum to the petitioner and the applicant within a period of eight weeks from today.

We make it clear that we are not inclined to give any interest for the period from 2010 till date.

In view of the above, the Special Leave Petition is disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(NISHA TRIPATHI)
BRANCH OFFICER