

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.610 OF 2012
(Arising out of S.L.P. (C) No.4869 of 2007)

Ajay Pal and others

Appellant(s)

VERSUS

State of Haryana

and another

Respondent(s)

WITH

CIVIL APPEAL NOS.617-619 OF 2012
(Arising out of S.L.P. (C) Nos.19167-19169 of 2011)
CIVIL APPEAL NO.620 OF 2012
(Arising out of S.L.P. (C) No.5316 of 2007)
CIVIL APPEAL NO.616 OF 2012
(Arising out of S.L.P. (C) No.33755 of 2010)

O R D E R

C.A. NO.610 OF 2012

We have heard Mr. Nidesh Gupta, learned senior counsel for the petitioners in S.L.P. (C) No.4869 of 2007.

There is a delay of 4464 days in filing of the special leave petition, which we condone in the facts of the case, since the rate of compensation in the acquisition proceedings was challenged by the majority of the land holders, including the petitioners herein, who after moving the learned Single

Judge of the High Court, went on to file Letters Patent

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Appeals against the orders of the learned Single Judge.

Subsequently, the Full Bench of the High Court held that

such Letters Patent Appeals were not maintainable and,

accordingly, the appeals, which had been filed by the

petitioners herein, were dismissed on the ground of

maintainability.

and Other claimants, however, moved this Court
subsequently, the rate of compensation was raised
to

Rs.200/- per square yard. The petitioners also stand more
or less on the same footing, but are in a disadvantageous

position because their Letters Patent Appeals
were

dismissed. It is for such reason that we condone the delay
of 4464 days in filing of the special leave petition in this
case.

Leave granted.

It has been submitted by Mr. Nidesh Gupta, learned
senior counsel appearing for the appellants, that before the
Full Bench of the High Court came to hold that Letters
Patent Appeals were not maintainable, the Division Bench of
the Punjab and Haryana High Court had, in L.P.A. No.920 of
1994, filed by one Horam, son of Budha, held that
the appellants were entitled to compensation at the rate
of

Rs.200/- per square yard for the acquired land. The s
aid

order had been challenged by the State before this Court in

S.L.P. (C) No.....CC 34672 of 2006, and was dismissed on
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4th July, 2006. Following the said dismissal in many of the
matters, which were subsequently taken up in first appeal by
the High Court, the said compensation of Rs.200/- per square
yard was duly maintained.

Having regard to the above, we allow the appeal filed
by Ajay Pal and others, and direct that they too should be
given compensation at the rate of Rs.200/- per square yard,
in respect of their lands, which had been acquired pursuant
to the Notification dated 22nd August, 1988, along with other
statutory benefits.

As indicated hereinbefore, this order will also govern S.L.P. (C) No.5316 of 2007, as well as S.L.P. (C) No.19167-19169 of 2011, wherein leave has also been granted.

C.A. NO.616 OF 2012

Leave granted.

This appeal is directed against the judgment and order dated 20th August, 2004, passed by the Punjab & Haryana High Court, in Regular First Appeal No.187 of 1990, determining the value of the acquired lands of the petitioner at the rate of Rs.30/- per square yard.

Learned counsel appearing for the appellant has pointed out that in C.A. No.1386 of 2007, which was heard along with several other civil appeals, arising out of the Notification dated 20th April, 1982, issued under Section 4 SLP 9268-9270/2011

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of the Land Acquisition Act, 1894, which is the common Notification, as far as the present appeal is concerned, this Court enhanced the compensation to Rs.45/- per square yard.

Consequently, the appellant's case is also covered by the said decision. Accordingly, we allow the appeal, set aside the order passed by the Division Bench of the High Court and direct that the appellant will also be entitled to compensation at the rate of Rs.45/- per square yard, in respect of his lands, which had been acquired, together with all such statutory benefits, as available to him.

The appeal is disposed of accordingly.

.....J.
(ALTAMAS KABIR)

.....J.
(J. CHELAMESWAR)

New Delhi;

and office report)
S.L.P.(C) NOS.31561-31568 of 2010
(With office report)
S.L.P.(C) NOS.33337-33340 of 2010
(With office report)
S.L.P.(C) NOS.33322-33329 of 2010
(With office report)
S.L.P.(C) NO.20139 of 2011
(With office report)
S.L.P.(C) NOS.19167-19169 of 2011
(With appln.(s) for substitution and exemption from filing O/T and
c/delay in filing substitution appln. and prayer for interim relief
and office report)
S.L.P.(C) NO.18257 of 2011
(With office report)
S.L.P.(C) NOS.13529-13549 of 2011
(With appln.(s) for substitution and c/delay in filing substitution
appln. and office report)
S.L.P.(C) NO.13613 of 2011
(With office report)
S.L.P.(C) NO.1512 of 2007
(With office report)
S.L.P.(C) NO.21597 of 2006
(With prayer for interim relief and office report)
S.L.P.(C) NOS.20144-20150 of 2007
(With appln.(s) for c/delay in filing SLP and office report)
S.L.P.(C) NO.19668 of 2007
(With appln.(s) for c/delay in filing SLP and office report)
S.L.P.(C) NO.4869 of 2007
(With appln.(s) for c/delay in filing SLP and prayer for interim
relief and office report)
(For final disposal)
S.L.P.(C) NO.5316 of 2007
(With office report)
(For final disposal)
S.L.P.(C) NOS.24704-24712 of 2007
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(With appln.(s) for permission to file addl. documents and
office report)
S.L.P.(C) NOS.12263-12282 of 2008
(With appln.(s) for substitution and c/delay in filing substitution
appln. and office report)
S.L.P.(C) NO.15648 of 2008
(With office report)
S.L.P.(C) NOS.13415-13426 of 2008
(With appln.(s) for permission to file addl. documents and c/delay in
filing SLP and office report)
S.L.P.(C) NOS.5392-5394 of 2008
(With office report)
S.L.P.(C) NOS.15485-15486 of 2009
(With appln.(s) for exemption from filing OT and office report)
S.L.P.(C) NOS.8592-8596 of 2009
(With office report)
S.L.P.(C) NOS.34118-34120 of 2010
(With office report)
S.L.P.(C) NOS.4176-4179 of 2010
(With appln.(s) for substitution and c/delay in filing substitution
appln. and prayer for interim relief and office report)
S.L.P.(C) NOS.11156-11158 of 2009
(With prayer for interim relief and office report)
S.L.P.(C) NOS.33637-33638 of 2011
(With office report)
S.L.P.(C) NO.28895 of 2008
(With appln.(s) substitution and c/delay in filing substitution
appln. and c/delay in filing/refiling SLP and office report)
S.L.P.(C)...CC NO. 863-865 of 2011
(With appln.(s) for permission to file SLP and office report)

Mr. Rohit Kumar Singh, AOR

In SLP 33322-29/10,
20139/11 & 18257/11

Mr. Ranbir Singh Yadav, AOR
Mr. P. Kakra, Adv.
Ms. Anzu K. Varkey, Adv.

Ms. N. Annapoorani, AOR

In SLP 31561-68/10,
33337-40/10,
21597/06, 19668/07
20144-150/07 &

Mr. Manoj Swarup, AOR
Mr. Ankit Swarup, Adv.
Mr. V.K. Mehta, Adv.

In SLP 4869/2007

Mr. Nidhesh Gupta, Sr. Adv.
Mr. Rishi Malhotra, Adv.
Mr. Prem Malhotra, AOR

In SLP 28644-85/07,
28613-42/10,
19167-69/11 &
24704-24712/07

Mr. J.L. Gupta, Sr. Adv.
Mr. Somvir Singh Deswal, Adv.
Mr. C.P. Malik, Adv.
Dr. Sushil Balwada, Adv.
Mr. Shree Pal Singh, AOR

Mr. R.D. Upadhyay, AOR

In SLP 3367-68/10

Mr. P.S. Patwalia, Sr. Adv.
Mr. Ashok K. Mahajan, AOR

Mr. K.K. Mohan, AOR

In SLP 21264-88/11

Dr. Monika Gosain, Adv.
Mr. Abhinav Jain, Adv.
Mr. Hariom Yaduvanshi, Adv.
Mr. Vikas Sharma, Adv.

For Respondent(s)

Mr. Nitin Kumar Thakur, AOR

Mr. D.S. Mahra, AOR

Mr. Ashok Kumar Sharma, AOR

In SLP 1678-97/10

Mr. T.S. Doabia, Sr. Adv.
Mr. Jagjit Singh Chhabra, AOR
Mr. Jaswant Persoya, Adv.
Mr. Vinay K. Shilandra, Adv.

In SLP 28613-42/10,
SLP 9268-9270/2011

Ms. Anubha Agarwal, Adv.

7233-39/11,
28644-28685/10

Dr. Monika Gusain, AOR

In SLP 9268-9270/
2011, 5316/07 &
33337-40/10

Mr. P.N. Mishra, Sr. Adv.
Mr. Vikas Sharma, Adv.
Mr. Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta, AOR

In SLP 28613-28642/
2010 & 28686/2010

Mr. G.K. Bansal, Sr. AAG Haryana
Ms. Naresh Bakshi, AOR

In SLP 12263-82/08
5392-94/08

Mr. B.S. Mor, AAG, Haryana
Mr. Neeraj Mor, Adv.
Ms. Naresh Bakshi, AOR

In SLP 14425/11,
31561-68/10 &
33322-29/10

Mr. Brijender Chahar, Sr. Adv.
Ms. Charu Sangwan, AAG, Haryana
Mr. Alok Sangwan, Adv.
Mr. Devashish Bharuka, AOR

In SLP 21537/06,
20144-50/07 &
19668/07

Mr. Manoj Swarup, AOR
Mr. Ankit Swarup, Adv.

In SLP 1678-97/10

Mr. Kuldip Singh, AOR
Mr. R.K. Pandey, Adv.
Mr. H.S. Sandhu, Adv.
Mr. Mohid Mudgil, Adv.

Mr. Rishi Malhotra, AOR

Mr. Samir Ali Khan, AOR

In SLP 20144-50/07

Mr. Govind Goel, Adv.
Dr. Monika Gosain, AOR
Mr. Sanjay Kumar Yadav, Adv.

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

S.L.P. (C) Nos.24704-24712 of 2007 (Ashrafi and others v.
State of Haryana and Others

Hearing concluded.
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Judgment reserved.

S.L.P. (C) 3367-3368 of 2010 (Atul Satsangi and Others v.
State of Haryana and Another)

Hearing concluded.
Judgment reserved.

S.L.P. (C) 9268-9270 of 2011 (State of Haryana v. Vijay and
Others)

Hearing concluded.
Judgment reserved.

S.L.P. (C) Nos.19167-19169 of 2011

Delay condoned.

Application for substitution is allowed.

Let notice issue in S.L.P.(C) Nos.19167-19169 of
2011.

Since the learned Additional Advocate General, Mr.
Manjit Singh, is present on behalf of the State of Haryana,
service of notice is dispensed with.

Leave granted.

These matters are taken up along with S.L.P. (C)
No.4869 of 2007 and 5316 of 2007, arising out of

Notification dated 22nd August, 1988, under Section 4 of the Land Acquisition Act, 1894.

C.A. No.610 of 2010 @ S.L.P. (C) No.4869 of 2007, C.A. No.620 of 2012 @ S.L.P. (C) NO.5316 of 2007 and C.A. No.616 of 2010 @ S.L.P. (C) No.33755 of 2010

Delay condoned.
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Leave granted.
The appeal is allowed in terms of the signed order.

S.L.P. (C) Nos.13415-13426 of 2008

Delay condoned.

It is pointed out by Mr. J.L. Gupta, learned senior counsel appearing for the petitioners, that this matter is also covered by the arguments in S.L.P. (C) Nos.24704-24712 of 2007, Ashrafi and others v. State of Haryana and others. Similarly, Mr. Somvir Singh Deswal, learned counsel, has submitted that S.L.P. (C) Nos.12263-12282 of 2008, S.L.P. (C) No.15648 of 2008, S.L.P. (C) Nos.5392-5394 of 2008, S.L.P. (C) Nos.15485-15486 of 2009, S.L.P. (C) Nos.8592-8596 of 2009, S.L.P. (C) Nos.34118-34120 of 2010, S.L.P. (C) Nos.4176-4179 of 2010, S.L.P. (C) Nos.11156-11158 of 2009, S.L.P. (C) No.28895 of 2008, S.L.P. (C) Nos. CC 863-865 of 2011, S.L.P. (C) No.33257 of 2010, S.L.P. (C) Nos.11171-11172 of 2009, S.L.P. (C) Nos.3125-3126 of 2011, S.L.P. (C) Nos.29721-29722 of 2009, S.L.P. (C) No.31281 of 2009 and C.A. No.8719 of 2010, are all covered by the submissions made in Ashrafi's case. The judgment in all these matters are, accordingly, reserved and will be pronounced along with the judgment in Ashrafi's case.

S.L.P. (C) NOS.28613-28642 OF 2011 (Kamlesh Kumari Etc. Etc. v. State of Haryana and Another)

Hearing concluded in S.L.P. (C) Nos.28613-28642/11, 7233-7239/11, 35673-35693/10, 12083-12087/11, 14389-14390/11, 13613/11, 674-681/11, 33749/10, 3647/11, 28644-28685/10, 31832/10, 27706-27723/10, 14425/11 and 28686/11.

Judgment reserved.

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S.L.P. (C) Nos.31772-31776 of 2011

These special leave petitions, which are listed under Item No.4 of today's list, will also be covered by the arguments advanced in the case of Kamlesh Kumari etc. etc. v. State of Haryana [S.L.P. (C) Nos.28613-28642 of 2010].

List rest of the matters tomorrow (18.01.2012) as continuing part heard matters.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar

(Signed order is placed on the file)