

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9793 OF 2013

RAJ DULARI & ORS.

..APPELLANT(S)

VERSUS

UNION TERRITORY, CHANDIGARH

..RESPONDENT(S)

WITH

CIVIL APPEAL NO.9797 OF 2013

CIVIL APPEAL NO.9800 OF 2013

CIVIL APPEAL NO.9808 OF 2013

CIVIL APPEAL NO.9803 OF 2013

O R D E R

1. Delay, in filing the application(s) for substitution, if any, is condoned.
2. Application(s) for substitution, if any, is/are allowed.

3. These appeals are directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in R.F.A No.1947 of 2012, dated 15.10.2012, whereby and whereunder, the High Court following its earlier judgments and orders in the case of Rajinder Singh v. Union Territory of Chandgarh, R.F.A No. 4458 of 2011, dated 27.02.2012 and in the case of Union Territory, Chandigarh, vs. Puran Chand Gupta, R.F.A No. 1920/2004, dated 15.03.2010, dismissed the appeal of the appellants.

4. The brief facts are: The respondent-State had issued notification dated 28.06.1990 under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") to acquire 80.87 acres of land in the village of Mani Majra including the land owned by the appellants for the public purpose of development of third phase of Chandigarh. After due consideration of the objections filed by the

claimants under Section 5-A of the Act, the acquiring authority had recommended issuance of a notification under Section 6 of the Act to the State Government. Accordingly, notification was issued under Section 6 of the Act.

5. After issuance of the aforesaid notification, the Land Acquisition Collector (for short, "the LAC"), determined the compensation payable of the acquired land at Rs.3.5/- lacs per acre.

6. The appellants/ claimants, not being satisfied with the compensation so awarded by the LAC, approached the latter and sought for a reference under Section 18 of the Act to the Civil Court for determination of the actual market value of the land acquired. The LAC had referred the case of the appellants/claimants to the Reference Court. The claimants therein had contended that the

acquired land is situated on the National Highway of Chandigarh - Kalka - Shimla, the commercial activities are in full swing in and around the acquired land and that the area is near to the Police Station, the Grain Market and further, the land was suitable for commercial as well as residential purposes. The respondent had contended that the location of the land was not a relevant consideration since the land acquired is covered under The Punjab New Capital (Periphery) Control Act, 1952 and any commercial use or any other use other than the use for agricultural purposes is not permitted on the land and that construction is impermissible on the said land without the prior consent of the competent authority under the Punjab New Capital (Periphery) Control Act, 1952. The respondent submitted that for the aforementioned reasons there is no location advantage of the land. The Reference Court, considered the aforesaid

submissions and framed the issue with respect to enhancement of compensation of the acquired land. The Reference Court, in light of the decisions rendered by the High Court in *Puran Chand* case (supra) and *R.D. Sharma and Anr. vs. Union Territory, Chandigarh*, R.F.A. No. 893 of 2000, dated 20.10.2008, enhanced the compensation from Rs.3.5/- lacs per acre to Rs.196/- per square yard.

7. Aggrieved by the order so passed by the Reference Court, the appellants/claimants had preferred a Regular First Appeal before the High Court. The High Court following its earlier judgment and order in the case of *Rajinder Singh* (supra) and in the case of *Puran Chand* (supra) dismissed the appeal of the appellants/ claimants.

8. Aggrieved by the order so passed by the High Court, the appellants/claimants are before us in these appeals.

9. The appellants/ claimants would submit that the High Court has erroneously limited the compensation amount as decided in the case of *Amarjit Singh* (supra), since the notification under Section 4 in the said case was issued on 18.02.1980 and in the instant case the notification was issued on 28.06.1990, with a period of almost ten years in between the aforesaid notifications.

10. Heard learned counsel for the parties to the *lis*.

11. After going through the judgment(s) and order(s) passed by the High Court and in view of the facts and circumstances of these cases, we find no infirmity in the judgment(s) and order(s) passed by the High Court.

12. Therefore, in our considered opinion, there is no good ground to interfere with the

impugned judgment(s) and order(s) passed by the High Court.

13. The Civil Appeals are dismissed, accordingly. No costs.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
JANUARY 29, 2015.

ITEM NO.12

COURT NO.1

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 9793/2013

RAJ DULARI & ORS.

Appellant(s)

VERSUS

UNION TERRITORY, CHANDIGARH

Respondent(s)

(office report)

WITH

C.A. No. 9797/2013
(With Office Report)

C.A. No. 9800/2013
(With Office Report)

C.A. No. 9801/2013
(With Office Report)

C.A. No. 9802/2013
(With Office Report)

C.A. No. 9803/2013
(With Office Report)

C.A. No. 9804/2013
(With Office Report)

C.A. No. 9805-9807/2013
(With Office Report)

C.A. No. 9808/2013
(With Office Report)

C.A. No. 9809/2013
(With Office Report)

C.A. No. 9810-9811/2013

(With Office Report)

C.A. No. 9812/2013
(With Office Report)

C.A. No. 9794-9796/2013
(With Office Report)

Date : 29/01/2015 These appeals were called
 on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Ravindra Bana, Adv.

Mr. Vipin Gogia, Adv
Mr. Brijendra Singh, Adv.
For Ms. Jaspreet Gogia, Adv.

Mr. K.G. Bhagat, Adv.
Mr. Rahul Dogar, Adv.
Mr. Vineet Bhagat, Adv.

Mr. Manoj Swarup, Adv.
Mr. Ankit Swarup, Adv.
Ms. Tanya Swarup, Adv.
Mr. Ajay Kumar, Adv.

Mr. Manoj Swarup, Adv.
Mr. Ankit Swarup, Adv.
Mr. Rohit Kumar Singh, Adv.

Mrs. B. Sunita Rao, Adv.

Mr. Shish Pal Laler, Adv.
Mr. N.P. Midha, Adv.
Mr. Sonit Sinhmar, Adv.
Mr. Balbir Singh Gupta, Adv.

For Respondent(s)

Mr. M.S. Doabia, Sr. Adv.
Ms. Kiran Bhardwaj, Adv.

Mr. M.S. Doabia, Sr. Adv.
Mr. Sudarshan Singh Rawat, Adv.

Ms. Vimla Sinha, Adv.
Mr. Gopal Singh, Adv.

Ms. Kaveeta Wadia, Adv.

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

C.A. Nos.9793, 9797, 9800, 9808 and 9803 of 2013

Delay, in filing the application(s) for substitution, if any, is condoned.

Application(s) for substitution, if any, is/are allowed.

Civil appeals are dismissed in terms of the signed order.

C.A. Nos.9801, 9802, 9804, 9805-9807, 9809, 9810-9811, 9812, 9794-9796 of 2013

List these appeals on 4th February, 2015.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file)