

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4207 OF 2014
(Arising out of S.L.P.(C)No.2647 of 2007)

THE COLLECTOR & ANR.

..APPELLANTS

VERSUS

SURENDRA KUMAR

..RESPONDENT

WITH

CIVIL APPEAL NO. 4208 OF 2014
(Arising out of SLP(C) No. 2649 of 2007)

CIVIL APPEAL NO. 4209 OF 2014
(Arising out of SLP(C) No. 2650 of 2007)

CIVIL APPEAL NO. 4210 OF 2014
(Arising out of SLP(C) No. 4614 of 2007)

CIVIL APPEAL NO. 4211 OF 2014
(Arising out of SLP(C) No. 4618 of 2007)

CIVIL APPEAL NO. 4212 OF 2014
(Arising out of SLP(C) No. 4620 of 2007)

CIVIL APPEAL NO. 4213 OF 2014
(Arising out of SLP(C) No. 4625 of 2007)

CIVIL APPEAL NO. 4214 OF 2014
(Arising out of SLP(C) No. 25780 of 2009)

CIVIL APPEAL NO. 4215 OF 2014
(Arising out of SLP(C) No. 25777 of 2009)

CIVIL APPEAL NO. 4216 OF 2014
(Arising out of SLP(C) No. 25783 of 2009)

CIVIL APPEAL NO. 4217 OF 2014
(Arising out of SLP(C) No. 25789 of 2009)

CIVIL APPEAL NO. 4218 OF 2014
(Arising out of SLP(C) No. 25786 of 2009)

CIVIL APPEAL NO. 4219 OF 2014
(Arising out of SLP(C) No. 25796 of 2009)

AND

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WITH

CIVIL APPEAL NO. 4220 OF 2014
(Arising out of SLP(C) No. 25790 of 2009)

O R D E R

1. Permission to file special leave petition is granted.

2. Delay, if any, in filing the application(s) for

substitution is condoned.

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

4. Delay, if any, in filing the special leave petitions is condoned.

5. Leave granted.

6. The Acquiring Authority and the State is before us in these batch of appeals, inter alia, questioning the judgment and order passed by the High Court of Judicature of Uttaranchal at Nainital, dated 15.07.2005 in First Appeal No.964 of 2001 (Old No.472 of 1995) and connected matters wherein by the impugned judgment and order the High Court has enhanced the compensation payable to the agriculturists/land-losers from Rs.12/- per square feet to Rs.16/- per square feet.

7. The land in dispute is the land measuring 111-19-10 beegha in village Roorkee and the land measuring 133-8-2 beegha in village Malakpur. Notification under Section 4 read with Section 17(1) of the Land Acquisition Act, 1894 (for short 'the Act') was issued by
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the Acquiring Authority- Government of Uttar Pradesh to acquire a large extent of land in village Roorkee (now a district), Malakpur Latifpur for modernization of Ganga canals and for construction of parallel Ganga canals. Since the acquiring authority had issued the notification under Section 4 read with Section 17(1) of the Act, it had dispensed with the enquiry as provided under Section 5-A of the Act. Thereafter a declaration came to be issued under Section 6 of the Act on 03.11.1986 and the possession of the lands was taken.

8. The Land Acquisition Officer, after considering the claim made by the agriculturists/land-losers has passed an award fixing the compensation payable to the agriculturists/land-losers at Rs.12/- per square feet and also awarded the compensation along with solatium and interest.

9. Being aggrieved with the award so passed, a reference was

sought by the agriculturists/land-loosers under Section 18 of the Act to the Additional District Judge, Roorkee for enhancement of compensation. The Reference Court after a careful consideration found that the market value was rightly assessed by the Court below and therefore had rejected the reference petition and has confirmed the award passed by the Land Acquisition Officer. Aggrieved by the same, the agriculturists/land-loosers had approached the High Court by filing Regular First Appeals. The High Court, after hearing the parties to the lis, has enhanced the compensation payable to the agriculturists/land-loosers from Rs.12/- per square feet to Rs.16/- per square feet with all other statutory benefits.

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10. Aggrieved by the aforesaid order passed by the High Court the agriculturists/land-loosers are before us in these appeals.

11. We have heard Shri Ratnakar Dash, learned senior counsel, Ms.Rachna Srivastava and other learned counsel for the State of Uttar Pradesh and Uttarakhand and Shri S.R. Singh, learned senior counsel and other learned counsel for the agriculturists/land-loosers.

12. Ms.Rachna Srivastava, learned counsel appearing for the appellant No. 1 would submit that the High Court was not justified in enhancing the compensation from Rs.12/- per square feet to Rs.16/- per square feet. In aid of the aforesaid submission, the learned counsel would contend that the Land Acquisition Officer, while passing the award had deducted 25 per cent towards the development charges and that had not been considered by the High Court and that being so the High Court ought not to have enhanced the compensation.

13. Shri Ratnakar Dash, learned senior counsel appearing for the State of Uttar Pradesh would contend that the High Court was not justified in awarding interest at a particular rate under Section 28 of the Act.

14. Per contra, Shri S.R. Singh, learned senior counsel appearing for the agriculturists/land-loosers would submit that this Court in more or less similar cases has enhanced the compensation
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that was awarded by the High Court from Rs.16/- per square feet to Rs.18/- per square feet. In aid of his submission, the learned senior counsel has brought to our notice the judgment and order passed by this Court in Amanulla Khan (Dead) by Lrs. and Ors. vs. Collector, District Haridwar and Anr., Civil Appeal No.2335 of 2007, decided on 21.05.2012.

15. We have carefully considered the submissions of the learned counsel for the parties and also have carefully perused the impugned judgment and order passed by the High Court.

16. In our considered opinion, the High Court has not committed any error whatsoever in enhancing the compensation from Rs.12/- per square feet to Rs.16/- per square feet. In view of the above, while dismissing the appeals, we confirm the judgment and order passed by the High Court.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(S.A. BOBDE)

NEW DELHI;
MARCH 27, 2014

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ITEM NOS.2 & 3 COURT NO.3 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2647/2007
(From the judgement and order dated 15/07/2005 in ON
No.472/1995,FA No.964/2001 of the HIGH COURT OF UTTARAKHAND AT
NAINITAL)

THE COLLECTOR & ANR.

Petitioner(s)

VERSUS

SURENDRA KUMAR Respondent(s)
(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report)

WITH SLP(C)NO.2649/2007
(With appln.(s) for c/delay in filing SLP and setting aside an abatement and office report)

SLP(C)No.2650/2007
(with appln.(s) for c/delay in filing SLP and office report)

SLP(C)No.4614/2007
(With appln.(s) for c/delay in filing SLP and exemption from filing O.T. and exemption from filing c/c of the impugned judgment and permission to file addl.documents and with prayer for interim relief and office report)

SLP(C)No.4618/2007
(With appln.(s) for c/delay in filing SLP and exemption from filing O.T. and permission to file addl.documents and with prayer for interim relief and office report)

SLP(C)No.4620/2007
(With appln.(s) for c/delay in filing SLP and exemption from filing O.T. and exemption from filing c/c of the impugned judgment and permission to file addl.documents and with prayer for interim relief and office report)

SLP(C)NO.4625/2007
(With appln.(s) for c/delay in filing SLP and exemption from filing O.T. and exemption from filing c/c of the impugned judgment and permission to file addl.documents and with prayer for interim relief and office report)

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AND WITH SLP(C)NO.25780/2009
SLP(C)NO.25777/2009
SLP(C)NO.25783/2009
SLP(C)NO.25789/2009
SLP(C)NO.25786/2009

AND WITH SLP(C)NO.25796/2009 and 25790/'09
(With apln.(s) for permission to file SLP and c/delay in filing SLP and with prayer for interim relief and office report)

Date: 27/03/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Ms. Rachana Srivastava, Adv.
Mr.Utakarsh Sharma, Adv.

Mr.Ratnakar Dash, Sr.Adv.
Mr.Ardhendumauli Kr.Prasad, Adv.
Mr.Kunal Verma, Adv.

Mr.Rahul Verma, AAG
Mr.Mukesh Verma, Adv.
Mr.Jatinder K.Bhatia, Adv.

Mr.Pradeep Misra, Adv.

For Respondent(s) Mr.S.R.Singh, Sr.Adv.
Mr.Nagendra Singh, Adv.

Mr. Vishwa Pal Singh, Adv.

Mr. P. N. Gupta, Adv.

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

Permission to file S.L.P.s is granted.

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

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

Delay, if any, in filing the S.L.P.s is condoned.

Leave granted.

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The appeals are dismissed, in terms of the signed order.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)