

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3156 OF 2008

RAM KALI & ORS. ETC. ETC. . . . APPELLANT(S)

VERSUS

STATE OF HARYANA & ORS. ETC. ETC. . . . RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order dated 04.10.2004 of Division Bench of the High Court of Punjab and Haryana by which the order of the learned Single Judge passed in the appeal filed by the claimants/land owners for enhancement of land acquisition compensation has been rejected.

2. The facts lie in a short compass and may be recited herein below :

3. By a notification dated 28.02.1980 issued under Section 4 of the Land Acquisition Act, 1894 (For short, "the Act"), a total of

471 kanals 13 marlas of land was sought to be acquired. A declaration under Section 6 of the Act was issued on 29.02.1980 and award dated 05.12.1980 was passed awarding compensation at the rate of Rs.14,240/- per acre (Rs.2.94 per sq.yd.). The award in question was in respect of total 461 kanals 7 marlas of land as in the meantime a total of 10 kanals of land belonging to one Ram Kumar was dropped from acquisition (nature of the said land being different). It may be noticed at this stage that the said 10 kanals of land was subject to another notification dated 14.02.1981 under Section 4 of the Act. The award which was passed in respect of aforesaid 10 kanals is dated 22.05.1984, the compensation awarded being Rs.80,000/- per acre.

4. Aggrieved by the compensation of Rs.14,240/- per acre awarded in respect of land measuring 461 kanals 13 marlas, reference was sought under Section 18 of the Act. The Reference Court by Order dated 03.10.1984

enhanced the compensation to Rs.80,000/- per acre (Rs.16.53 per sq.yd.).

5. Aggrieved, the appellant(s) filed first appeal(s) before the High Court which were answered by judgment and order dated 23.03.1987 dividing the land into two belts. For land situated upto the depth of 150 ft. from the highway, compensation was enhanced to Rs.1.60 lakhs per acre and for land beyond the depth of 150 ft. from the highway, the compensation awarded by the Reference Court i.e. Rs.80,000/- per acre was maintained. The said order was challenged by the land owners in a Letters Patent Appeal. By judgment dated 06.02.1997, the Division Bench of the High Court set aside the judgment of the learned Single Judge dividing the land in two belts and remanded the matter for fresh consideration. On remand the learned Single Judge of the High Court by order dated 07.05.1997 awarded compensation at a flat rate of Rs.80,000/- per acre. The said order has

been affirmed in the Letters Patent Appeal out of which this appeal has arisen.

6. We have heard the learned counsels for the parties. We have also considered the evidence and materials on record and have noticed the grounds on which the Division Bench of the High Court thought it fit to affirm the order of the Single Bench determining compensation at a flat rate of Rs.80,000/- per acre.

7. It appears that the exemplars relied upon i.e. exhibits P-3, P-4 and P-5, were duly considered and the High Court thought it proper not to rely on the same as the sales affected by the said exemplars were for small plots. The claimants had also relied upon the price which was received by the Municipal Committee, Gharaunda in an auction of plots located close to the area of the land acquired. In this regard the High Court took note of the fact that the plots auctioned were very small and that there was a wide variation

in the offer received at the auction stretching from Rs.69.55 per sq.yd. to Rs.104.14 per sq.yd. It was further held by the High Court that price obtained in an auction sale would not be a safe and correct measure for determination of valuation of compensation for acquisition of land under the provisions of the Act.

8. That apart, the claimants/land owners, also relied upon the judgment of the High Court by which the compensation made by the award dated 22.05.1984 in respect of the 10 kanals of land which were dropped from the original notification under Section 4 of the Act and acquired by the subsequent notification dated 14.08.1981 has been enhanced to Rs.4.80 lakhs per acre by the High Court.

9. We have gone through the reasons for which acquisition compensation for the said land had been enhanced by the High Court to Rs.4.80 lakhs per acre. Not only the grounds

and reasons cited by the High Court in its aforesaid order fails to convince us, we also cannot lose sight of the fact that the High Court (learned Single Judge) while discussing this aspect of the matter had taken the view that the value of land in question (10 kanals) must have gone up considerably in view of the fact that the remaining land had been acquired for the purposes of grain market and that such acquisition had become a *fait accompli*. The fact that the nature and character of the land (10 Kanals) is different from the rest of the land acquired is also a significant fact that cannot be ignored.

10. Having considered the reasons that had prevailed that the High Court in granting compensation at a flat rate of Rs.80,000/- per acre, we are of the view that the order under appeal stands adequately supported and justified by cogent and sufficient reasons. If that is so, we will have no occasion to interfere with the order of the High Court

passed in the Letters Patent Appeal affirming the order of the learned Single Judge.

11. Consequently and for the reasons alluded, we do not find any ground for interference. The appeal is consequently dismissed however without any order as to costs.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
FEBRUARY 10, 2016

ITEM NO.101

COURT NO.7

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). 3156/2008

RAM KALI & ORS. ETC. ETC.

Appellant(s)

VERSUS

STATE OF HARYANA & ORS. ETC. ETC.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and office report for direction)

Date : 10/02/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Mr. Ankur Mittal, Adv.

For Respondent(s) Mr. Piyush Hans, Standing Counsel (Haryana)
For Sanjay Kumar Visen, Adv.

Mr. Ugra Shankar Prasad, Adv. (NP)

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

Application for exemption from filing
official translation is allowed.

The appeal is dismissed in terms of the
signed order.

Pending application(s), if any, stand
disposed of.

(NEETU KHAJURIA)
SR.P.A.

(ASHA SONI)
COURT MASTER

(Signed order is placed on the file.)

