

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.2690 OF 2012

JAI NARAIN & ORS.

APPELLANT(S)

VERSUS

THE STATE OF RAJASTHAN & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL No.2694/2012

CIVIL APPEAL No.2692/2012

CIVIL APPEAL No.2691/2012

CIVIL APPEAL No.2693/2012

CIVIL APPEAL No.680/2013

CIVIL APPEAL No.682/2013

CIVIL APPEAL No.683/2013

CIVIL APPEAL No.684/2013

CIVIL APPEAL No.681/2013

O R D E R

For the purpose of land acquisition the notification under Section 4 of the Land Acquisition Act, 1894 had been issued on 15<sup>th</sup> September, 1994 with respect to acquisition of 371 bigas and 10 biswas of land situated at village Roopwas, Dist Tonk, Rajasthan for the purpose of industrial development, the beneficiary was Rajasthan State Industrial Development and Planning Corporation Ltd.

(for short "the RIICO"). The Land Acquisition Collector determined compensation, on the basis of belting method, at the rate of Rs.1,15,000/- per bigha for land abutting road, i.e. National Highway 12, whereas, Rs.21,780/- per bigha was granted for irrigated land, and Rs.11,385/- per bigha for unirrigated land.

The Reference Court as well as the High Court, have affirmed the determination made by the Land Acquisition Collector and no enhancement has been made. Hence, these appeals have been preferred by the land owners.

It was submitted by learned counsel appearing on behalf of land owners, that adequate compensation has not been awarded, and the comparative sale exemplar evidence has been totally ignored. The compensation awarded was highly inadequate, it deserves to be suitably enhanced. It was also submitted, that the nearby area was well developed; a well known institution called Vansthaly Vidyapeeth, is located in the close vicinity of the land besides, lot of other development had also taken place. The site was capable of being used as abadi land.

*Per contra*, learned counsel appearing for respondent No.2-RIICO and learned counsel for the State, contended that no case for enhancement was made out, and the compensation awarded was appropriate, keeping in view that the situation of land abutting the highway, was capable of

being used for residential and commercial purposes, and for that the Land Acquisition Collector has already granted higher compensation at the rate of 1,15,000/- per bigha, as evidenced from the exemplar; no case for enhancement was made out.

The Reference Court and the High Court have both considered the evidence that was mentioned in the award of the land acquisition collector; although, the settled proposition of law is, that such material cannot be said to be evidence for the purposes of Reference Court and, only the evidence that has been adduced before the Reference Court, was required to be taken into consideration. The report of the Sub-Registrar on the basis of which, the Land Acquisition Collector had determined the compensation has been relied upon. Unfortunately, the Reference Court as well as the High Court have both been influenced by the inadmissible material produced before the Collector, Land Acquisition, though, that was not a relevant piece of evidence for the purpose of determining compensation by the Reference Court. The reference under section 18 is not in form of appeal but independent proceedings. The compensation awarded for irrigated and unirrigated land is extremely low beside for the land abutting Road.

When we consider the exemplar evidence in the instant case, Exhibit 5 sale deed was executed on 6<sup>th</sup> January, 1993

pertaining to 7 biswas of land, i.e. 1,000 square yards, sold for Rs.75,000/-; cost comes to Rs.2,26,000/- per Bigha. The compensation granted by Land Acquisition Officer was Rs.1,15,000/- per bigha; the aforesaid sale exemplar had been executed approximately eighteen months before the issuance of Notification on 15<sup>th</sup> September, 1994. Thus, when we give appreciation for eighteen months at the rate of 12% per annum on flat basis, the value of the land comes to Rs.2,66,680/-; it would be appropriate to deduct 30% towards development from the land abutting road. The amount of compensation comes to Rs.1,86,676/- (Rs.2,66,680- Rs.80,004/- = R.1,86,676/-) per bigha for the land abutting road. The compensation of Rs.1,15,000/- per bigha awarded for land abutting road is enhanced to Rs.1,86,676/- per bigha. Same is rounded off to Rs.1,87,000/-.

Coming to the compensation to be awarded for rest of the area, in our opinion the compensation determined for rest of the area is highly inadequate. The development has taken place around and particularly when "Vanasthaly Vidyapeeth" which is a world known education institution, was situated in close vicinity and lot of other development existed in the area, the land had high potentiality and both kinds of lands irrigated and unirrigated were capable of being used for residential purposes. However considering its distance from the road

in order to arrive at the appropriate value it would be proper to make an overall 50% deduction to arrive at the just compensation to be awarded for rest of the land. Thus the 50% of the amount of Rs.2,67,000/- comes to Rs.1,33,500/- that we award for rest of the acquired land.

The compensation for the land abutting road is awarded at Rs.1,87,000/- per bigha and for rest of the land, irrigated and unirrigated, at Rs.1,33,500/- per bigha along with statutory benefits. The compensation to be paid along with statutory benefits as envisaged under the Act within four months.

The appeals are accordingly allowed to the aforesaid extent.

No order as to costs.

.....J.  
(ARUN MISHRA)

.....J.  
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI,  
November 9, 2017.

ITEM NO.1

COURT NO.10

SECTION XV

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).2690/2012

JAI NARAIN &amp; ORS.

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN &amp; ORS.

Respondent(s)

WITH

C.A.No.2694/2012 (XV)C.A.No.2692/2012 (XV)C.A.No.2691/2012 (XV)C.A.No.2693/2012 (XV)C.A.No.680/2013 (XV)C.A.No.682/2013 (XV)C.A.No.683/2013 (XV)C.A.No.684/2013 (XV)C.A.No.681/2013 (XV)

Date : 09-11-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Mr.Satyajit A Desai, Adv.  
Ms.Anagha S. Desai, AOR  
Mr.Varun Mathur, Adv.  
Mr.Mehmood Omar Faruqui, Adv.

For Respondent(s)

(State of Rajasthan)

Mr.S.S.Shamshery, AAG  
Mr.Amit Sharma, Adv.  
Mr.Ankit Raj, Adv.  
Ms.Indira Bhakar, Adv.  
Ms.Ruchi Kohli, Adv.

Mr.Anish Kumar Gupta, Sr.Adv.  
Ms.Ruchi Kohli, Adv.  
Mr.Chandra Shekhar Suman, Adv.  
Mr.R.K.Rajwanshi, Adv.  
Mr.Avdhesh Kr. Singh, Adv.  
Ms.Deepshikha Bharati, Adv.

Mr.Sarad Kumr Singhania, Adv.  
Mr.Milind Kumar, Adv.

(For RIICO)

Dr.Manish Singhvi, Adv.  
Mr.Shailja Nanda Mishra, Adv.

Mr.Irshad Ahmad, AOR

Mr.Rohit K. Singh, AOR

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

The appeals are allowed in terms of the signed order.

(Ashok Raj Singh)  
Court Master

(Jagdish Chander)  
Court Master

(Signed Order is placed in the file)