

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.2033 OF 2000

UNION OF INDIA & ANR.

Appellant (s)

VERSUS

HANIFA BEGUM

Respondent(s)

With Civil Appeal No.2290 of 2000

Date: 16/12/2004 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s)

Mr. N.N. Goswami, Sr. Adv.

Mr. S.W.A. Qadri, Adv.

Ms. Anil Katiyar, Adv.

Mr. Shail Kumar Dwivedi, Adv.

Mr. B.V. Balaram Das, Adv.

Mr. Arvind Kumar Sharma, Adv.

For Respondent(s)

Nemo

UPON hearing counsel the Court made the following

O R D E R

Heard the learned senior counsel for the appellants for a while.

The civil appeals are allowed.

No costs.

[ T.I. Rajput ]

Court Master

[ Shelly Sengupta ]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2033 OF 2000

Union of India and Anr.

...Appellant(s)

Versus

Hanifa Begum

...Respondent(s)

With Civil Appeal No.2290 of 2000

O R D E R

Pursuant to a preliminary notification dated 30th October, 1963 is sued

under Section 4 of the Land Acquisition Act, 1894, a large extent of 9500 acres of

land situated in various villages were acquired for the development of N arela

township in public interest. In Civil Appeal No.2033 of 2000, the Land Acquisition Officer awarded compensation at the rate of Rs.2,200/- per bigha. On reference at the instance of the land owner, the Reference Court enhanced the amount of compensation to Rs.3,900/- per bigha. On further appeal by the claimant, the High Court enhanced the compensation to Rupees twenty five thousand per bigha. In Civil Appeal No.2290 of 2000, the Land Acquisition Officer awarded compensation at the rate of Rs.6,650/- per bigha. The Reference Court increased the amount of compensation to Rs.16,750/- per bigha. On further appeal by the claimant, the High Court enhanced the amount of compensation to Rupees twenty five thousand per bigha.

The Union of India is before us aggrieved by the orders made by the High Court enhancing the amount of compensation to Rupees twenty five thousand per bigha.

...2/-

- 2 -

Despite service of notice, the respondents are neither present nor represented.

The learned senior counsel for the appellants urged that the enhancement made by the High Court was exorbitant looking to the amount of compensation, as determined by the Land Acquisition Officer in Civil Appeal No.2033 of 2000.

However, he fairly brought to our notice the order made by this Court in Union of

India vs. Dharambir and Ors. [Civil Appeal No.4405 of 1997]. This Court,  
in

Dharambir (supra), on consideration, determined the amount of compensation at the

rate of Rs.16,750/- per bigha. The lands covered by Dharambir (supra) were also

acquired under the very notification; in other words, these lands are also within 9500

acres of land acquired for the township. It is also not disputed that the lands

acquired in these cases were also from the adjoining village covered by Dharambir

(supra). Under these circumstances, the amount of compensation awarded by the

High Court at the rate of Rupees twenty five thousand per bigha needs to be reduced

to Rs.16,750/- per bigha.

Accordingly, these civil appeals are allowed. The impugned orders  
are

modified reducing the amount of compensation from Rs.25,000/- per bigha to

Rs.16,750/- per bigha. We may also make it clear that the respondents shall be

entitled to all the statutory benefits on the amount of compensation, as determined

above.

No costs.

.....J.

[SHIVARAJ V. PATIL]

.....J.

[B.N. SRIKRISHNA]

New Delhi,

December 16, 2004.

