

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

Petition for Special Leave to Appeal (Civil) No.8410/2000

(From the Judgment and Order dated 22/7/1998 in RFA 387/1991
of The HIGH COURT OF DELHI AT N.DELHI)

U.O.I. & ANR.

... PETITIONER (S)

VERSUS

RAM PHOOL & ANR.

... RESPONDENT (S)

WITH

CA No.8138/2002 @ SLP(C)No. 12543/2000,
CA No.8139/2002 @ SLP(C)No. 12544/2000,
CA No.8140/2002 @ SLP(C)No. 12545/2000,
CA No.8141/2002 @ SLP(C)No. 8411/2000,
CA No.8142/2002 @ SLP(C)No. 8412/2000,
CA No.8143/2002 @ SLP(C)No. 8413/2000,
CA No.8144/2002 @ SLP(C)No. 5794/2000,
CA No.8145/2002 @ SLP(C)No. 7277/2000,
CA No.8146/2002 @ SLP(C)No. 10772/2000,
CA No.8147/2002 @ SLP(C)No. 10773/2000,
CA No.8148/2002 @ SLP(C)No. 10774/2000,
CA No.8149/2002 @ SLP(C)No. 11561/2000,
CA No.8150/2002 @ SLP(C)No. 11562/2000,
CA No.8151/2002 @ SLP(C)No. 10732/2000,
CA No.8152/2002 @ SLP(C)No. 10736/2000,
CA No.8153/2002 @ SLP(C)No. 10738/2000,
CA No.8154/2002 @ SLP(C)No. 10739/2000,
CA No.8155/2002 @ SLP(C)No. 10740/2000,
CA No.8156/2002 @ SLP(C)No. 10741/2000,
CA No.8157/2002 @ SLP(C)No. 10742/2000,
CA No.8158/2002 @ SLP(C)No. 10743/2000,
CA No.8159/2002 @ SLP(C)No. 10746/2000,
CA No.8160/2002 @ SLP(C)No. 10751/2000,
CA No.8161/2002 @ SLP(C)No. 10752/2000,
CA No.8162/2002 @ SLP(C)No. 10754/2000,
CA No.8163/2002 @ SLP(C)No. 10755/2000,
CA No.8164/2002 @ SLP(C)No. 10757/2000,
CA No.8165/2002 @ SLP(C)No. 10759/2000,
CA No.8166/2002 @ SLP(C)No. 10762/2000,
CA No.8167/2002 @ SLP(C)No. 10763/2000,
CA No.8168/2002 @ SLP(C)No. 10765/2000,
CA No.8169/2002 @ SLP(C)No. 16180/2000,
CA No.8170/2002 @ SLP(C)No. 16182/2000,
CA No.8171/2002 @ SLP(C)No. 16247/2000,
CA No.8172/2002 @ SLP(C)No. 16435/2000,
CA No.8173/2002 @ SLP(C)No. 16835/2000,
CA No.8174/2002 @ SLP(C)No. 18620/2000,
CA No.8175/2002 @ SLP(C)No. 21412/2000,
CA No.8176/2002 @ SLP(C)No. 21415/2000,

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CA No.8177/2002 @ SLP(C)No. 21416/2000,
CA No.8178/2002 @ SLP(C)No. 10745/2000,
CA No.8179/2002 @ SLP(C)No. 10753/2000,
CA No.8120/2002 @ SLP(C)No. 15319/2000 - (With appln.(s)

for c/delay in filing SLP and with prayer for interim relief)

CA No.8181/2002 @ SLP(C)No. 10731/2000 and
CA No.8182/2002 @ SLP(C)No.3402/2001 - (With appln.(s)
for c/delay in filing SLP and with office report)

C.A.No.8183/2002 @ SLP(C)No.23366/2002 @ SLP...CC 5247/2000,
C.A.No.8184/2002 @ SLP(C)No.23368/2002 @ SLP...CC 5777/2000 and
C.A.No.8185/2002 @ SLP(C)No.659/2002 -
(With appln. for c/delay in filing SLP)

CA No.8186/2002 @ SLP(C)No. 16347/2000,
CA No.8187/2002 @ SLP(C)No. 17754/2000,
CA No.8188/2002 @ SLP(C)No. 17547/2000,
CA No.8189/2002 @ SLP(C)No. 18618/2000,
CA No.8190/2002 @ SLP(C)No. 18751/2000,
CA No.8191/2002 @ SLP(C)No. 18277/2000 - (With appln.(s)
for c/delay in filing SLP and for c/delay in refiling SLP
and with prayer for interim relief)

C.A. No.2385/2001-(With prayr for interim relief)

C.A.No.8192/2002 @ SLP(C)No.11238/2001-(With appln.(s) for
vacating stay and c/delay in filing SLP and with prayer for
interim relief and office report)

CA No.8193/2002 @ SLP(C)No. 11563/2000-
(With appln.(s) for substitution and c/delay in filing SLP)

CA No.8194/2002 @ SLP(C)No. 11564/2000,
CA No.8195/2002 @ SLP(C)No. 10737/2000 and
CA No.8196/2002 @ SLP(C)No. 10744/2000 -
(With appln.(s) for substitution and c/delay in filing SLP)

CA Nos.8197-8198/2002 @ SLP(C)Nos.17805-17806/2000-(With
appln.(s) for c/delay in refiling SLP and substn. of LRs.
of the deceased respondent and substn. and c/delay in filing SLP)

C.A.Nos.1188/99 and 2705/99-(With office report)

CA No.8199/2002 @ SLP(C)No. 16636/2000,
CA No.8200/2002 @ SLP(C)No. 17303/2000,
CA No.8201/2002 @ SLP(C)No. 18280/2000,
CA No.8202/2002 @ SLP(C)No. 18619/2000,
CA No.8203/2002 @ SLP(C)No. 20633/2000 and
CA No.8204/2002 @ SLP(C)No. 4307/2000,

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Date: 28/11/2002 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE H.K. SEMA
HON'BLE MR. JUSTICE S.B. SINHA

For the Appellant (s) Mr. Kailash Vasudev, Sr.Adv.
UOI Mr. S.W.A. Qadri, Adv.
Mr. K.C. Kaushik, Adv.
Ms. Rekha Pandey, Adv.
Mr. J.K. Bhatia, Adv.
Mr. S.A. Matto, Adv.
Mr. R.K. Rathore, Adv.
Mr. R.N. Poddar, Adv.
Mr. D.S. Mahra, Adv.

in SLP(C) 11238 Mr. Kailash Vasudev, Sr.Adv.
Mr. V.B. Saharya, Adv.
for M/s. Saharya & Co., Advs.

For the Respondent (s)
DDA Mr. V.B. Saharya, Adv.
for M/s. Saharya & Co., Advs.

Mr. Dinesh Dwivedi, Sr.Adv.
Mr. G.P. Srivastava, Adv.
Mr. K.K. Gupta, Adv.
Mr. Manoj Ranjan Sinha, Adv.

Mr. Shree Pal Singh, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. J.N.S. Tyagi, Adv.
Mr. Punit Dutt Tyagi, Adv.

Mr. Debasis Misra, Adv.

Mr. S.B. Upadhyay, Adv.

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Upon hearing counsel the Court made the following
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Heard learned counsel for the parties for 15 minutes.

C.A.No.1188/99 :@@
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The appeal is disposed of in terms of the signed order.

In rest of the matters except C.A.No.1188/99 :@@
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Applications for substitution are allowed.

The application of Delhi Development Authority for impleadment is allowed.

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order. Cross appeals filed by the claimants are dismissed.

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Sarita (Suneet Bala Sharma) @@
AA
Assistant Registrar @@
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(Two signed orders are placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8137 OF 2002@@
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(Arising out of SLP(C)No.8410/2000)

U.O.I. & ANR. . . . APPELLANTS

VERSUS

RAM PHOOL & ANR. . . . RESPONDENTS

WITH

- CA No.8138/2002 @ SLP(C)No. 12543/2000,
- CA No.8139/2002 @ SLP(C)No. 12544/2000,
- CA No.8140/2002 @ SLP(C)No. 12545/2000,
- CA No.8141/2002 @ SLP(C)No. 8411/2000,
- CA No.8142/2002 @ SLP(C)No. 8412/2000,
- CA No.8143/2002 @ SLP(C)No. 8413/2000,
- CA No.8144/2002 @ SLP(C)No. 5794/2000,
- CA No.8145/2002 @ SLP(C)No. 7277/2000,
- CA No.8146/2002 @ SLP(C)No. 10772/2000,
- CA No.8147/2002 @ SLP(C)No. 10773/2000,
- CA No.8148/2002 @ SLP(C)No. 10774/2000,
- CA No.8149/2002 @ SLP(C)No. 11561/2000,
- CA No.8150/2002 @ SLP(C)No. 11562/2000,
- CA No.8181/2002 @ SLP(C)No. 10731/2000,
- CA No.8151/2002 @ SLP(C)No. 10732/2000,
- CA No.8152/2002 @ SLP(C)No. 10736/2000,
- CA No.8153/2002 @ SLP(C)No. 10738/2000,
- CA No.8154/2002 @ SLP(C)No. 10739/2000,
- CA No.8155/2002 @ SLP(C)No. 10740/2000,
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- CA No.8157/2002 @ SLP(C)No. 10742/2000,
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- CA No.8161/2002 @ SLP(C)No. 10752/2000,
- CA No.8162/2002 @ SLP(C)No. 10754/2000,
- CA No.8163/2002 @ SLP(C)No. 10755/2000,
- CA No.8164/2002 @ SLP(C)No. 10757/2000,
- CA No.8165/2002 @ SLP(C)No. 10759/2000,
- CA No.8166/2002 @ SLP(C)No. 10762/2000,
- CA No.8167/2002 @ SLP(C)No. 10763/2000,
- CA No.8168/2002 @ SLP(C)No. 10765/2000,
- CA No.8169/2002 @ SLP(C)No. 16180/2000,
- CA No.8170/2002 @ SLP(C)No. 16182/2000,
- CA No.8171/2002 @ SLP(C)No. 16247/2000,
- CA No.8186/2002 @ SLP(C)No. 16347/2000,

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- CA No.8172/2002 @ SLP(C)No. 16435/2000,
- CA No.8199/2002 @ SLP(C)No. 16636/2000,
- CA No.8173/2002 @ SLP(C)No. 16835/2000,
- CA No.8200/2002 @ SLP(C)No. 17303/2000,
- CA No.8188/2002 @ SLP(C)No. 17547/2000,
- CA No.8187/2002 @ SLP(C)No. 17754/2000,
- CA No.8201/2002 @ SLP(C)No. 18280/2000,
- CA No.8189/2002 @ SLP(C)No. 18618/2000,
- CA No.8202/2002 @ SLP(C)No. 18619/2000,
- CA No.8174/2002 @ SLP(C)No. 18620/2000,
- CA No.8190/2002 @ SLP(C)No. 18751/2000,
- CA No.8203/2002 @ SLP(C)No. 20633/2000,
- CA No.8175/2002 @ SLP(C)No. 21412/2000,
- CA No.8176/2002 @ SLP(C)No. 21415/2000,

CA No.8177/2002 @ SLP(C)No. 21416/2000,
CA No.8204/2002 @ SLP(C)No. 4307/2000,
CA No.8193/2002 @ SLP(C)No. 11563/2000,
CA No.8194/2002 @ SLP(C)No. 11564/2000,
CA No.8195/2002 @ SLP(C)No. 10737/2000,
CA No.8196/2002 @ SLP(C)No. 10744/2000,
CA No.8178/2002 @ SLP(C)No. 10745/2000,
CA No.8179/2002 @ SLP(C)No. 10753/2000,
CA No.8180/2002 @ SLP(C)No. 15319/2000,
CA Nos.8197-8198/2002 @ SLP(C)Nos.17805-
17806/2000, C.A.No.8191/2002 @ SLP(C)No.
18277/2000, C.A.No.8182/2002 @ SLP(C)No.
3402/2001, C.A.No.8192/2002 @ SLP(C)No.
11238/2001, C.A.No.8185/2002 @ SLP(C)No.
659/2002, C.A.No.8183/2002 @ SLP(C)No.
23366/2002 @ SLP...CC 5247/2000, C.A.No.
8184/2002 @ SLP(C)No.23368/2002 @ SLP....
CC 5777/2000 & C.A.Nos.2385/2001, 1188/99,
and 2705/99.

O R D E R@@
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Applications for substitution are allowed.
The application of Delhi Development Authority
for impleadment is allowed.
Delay condoned.

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Leave granted.
This bunch of appeals arise out of the judgment
of the Division Bench of Delhi High Court in land
acquisition proceedings. A vast stretch of land
measuring 5484 bighas in revenue village Poothkalan on
the out-skirt of Delhi was acquired by issuance of a
Notification under section 4 of the Land Acquisition Act,
1894 on 11th December, 1981. The Land Acquisition
Collector determined the market value of the acquired
land by dividing the same into three blocks and awarded
compensation for Block-A at the rate of Rs.12,100/- per
bigha, for Block-B at the rate of Rs.12,000/- per bigha
and for Block-C at the rate of Rs.6,000/- per bigha. The
claimants not being satisfied, made an application for
reference under Section 18 and the Reference Court
standardised the valuation and then relying upon several
sale transactions, found out an average and determined
the market value at the rate of Rs.15,700/- per bigha in
one case and at the rate of Rs.18,500/- per bigha in
another case. The claimants assailed the said valuation
by preferring an appeal before the High Court. The High

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Court under the impugned judgment did not rely upon the
theory of average as was done by the Reference Court.
Several sale transactions were not taken into
consideration on the ground that they do not inspire any
confidence but, however, relying upon an individual
transaction dated 10th September, 1981 which was
exhibited as Exhibit A-1 and under which one bigha of

land had been sold in the same village on 10th September, 1981, enhanced the market value to Rs.30,000/- per bigha. It is this determination which is the subject matter of challenge in this bunch of appeals. The claimants have also come up in cross appeals for further enhancement of the market value.

On behalf of the Union of India it is contended that Exhibit A-1, which is a sale transaction in respect of a small bit of land measuring one bigha, could not be the basis for determination of the market value of a vast stretch of land measuring 5484 bighas and if that is taken out of consideration, then there is no residue of evidence on which the determination made by the High Court could be sustained. Mr. Dinesh Dwivedi, learned
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senior counsel appearing for the respondents on the other hand contended that though the Reference Court and the High Court have rejected several sale transactions on the ground that the sale transactions do not inspire any confidence but have not indicated any reasons. He further contended that in respect of the same village there has been an award which was culminated in the judgment of the High Court awarding higher compensation and that should be looked into for the purpose of disposal of these appeals. That award had not been produced before the High Court in the case in hand nor was it before the Reference Court also; though an application for taking that as additional evidence has been filed in this Court. Contemporaneous award no doubt is a useful guide for every court to determine the market value but that award must be taken into evidence in accordance with law by giving an opportunity to the other side for rebutting in the same and that had not been done in the case in hand. It is not possible to look into the additional evidence for coming to any conclusion as to whether the market value as determined by the High Court
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is sustainable or not. Leaving aside the so called award, if we examine the impugned judgment of the High Court, we have no other evidence other than Exhibit A-1 which was a sale transaction of 10th September, 1981 in respect of one bigha of land and the price therein was Rs.30,000/- per bigha. It has been held in a catena of decisions of this Court that the sale price in respect of a small bit of transaction would not be the determinative factor for deciding the market value of a vast stretch of land. As has been stated earlier the extent of land acquired in the case in hand i.e. 5484 bighas. In that view of the matter, we have no hesitation to come to the conclusion that the High Court has wholly erred in relying upon Exhibit A-1 in determining the market value of the acquired land extending to 5484 bighas. Since onus is on the claimant to lead evidence on the determination of market value and if Exhibit-A1 is taken out of consideration, then there is no residue of evidence on which the determination made by the High Court enhancing the compensation awarded by the Reference Court could be sustained. We, therefore, set aside the
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impugned judgment of the High Court and affirm the market value as determined by the Reference Court. These appeals are allowed. Cross appeals filed by the claimants are dismissed.

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.....CJI.

.....J.~
(H.K. SEMA)

New Delhi,
November 28, 2002.

.....J.
(S.B. SINHA)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1188 OF 1999@@
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BALLU & ORS.

...APPELLANTS

VERSUS

UNION OF INDIA

...RESPONDENT

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This appeal is by the claimants assailing the same judgment which has been reversed by us today on the question of determination of market value in respect of the land in village Poothkalan. So far as the market value is concerned, our order delivered today in C.A.No..... @ SLP(C)No.8410/2000 entitled as U.O.I.@@ CCCCCC & Anr. -vs.- Ram Phool & Anr. and batch would govern@@ CCCCCC this case also. But in the present appeal what is being assailed is denial of interest on solatium under sub-Section (2) of Section 23 of the Land Acquisition Act, 1894 and also the additional market value under Section 23(1-A).
The appeal stands disposed of accordingly.

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In view of the recent judgment of this Court in
(2001) 7 SCC 211 Sunder -vs.- Union of India, the@@
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claimants' appeal on the question of interest is disposed
of on the same terms.

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.....CJI.

.....J.
(H.K. SEMA)

New Delhi,
November 28, 2002.

.....J.
(S.B. SINHA)