

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5105 OF 2013

AVTAR SINGH & ANR.

..APPELLANT(S)

VERSUS

STATE OF PUNJAB COLLECTOR & ANR.

..RESPONDENT(S)

WITH

CIVIL APPEAL NO.5109/2013

CIVIL APPEAL NO.5111/2013

CIVIL APPEAL NO.5107/2013

CIVIL APPEAL NO.5110/2013

CIVIL APPEAL NO.5113/2013

CIVIL APPEAL NO.5112/2013

CIVIL APPEAL NO.5108/2013

CIVIL APPEAL NO.5114-5116/2013

O R D E R

Heard learned counsel for the parties.

These appeals have been preferred by the land owners for enhancement of compensation; aggrieved by the judgment and order passed by the High Court.

The land acquisition has been made in two villages, namely, Machhi Joan and Alladad Chak, Tehsil Sultanpur, Lodhi, Distt.Kapurthala, Punjab. In all 67 acres of land had been acquired in a single block. Notification under Section 4 of the Land Acquisition Act, 1894 had been issued on 11.08.2000 and the Land Acquisition Collector determined the compensation by award dated 05.12.2001 Rs.6,00,000/- per acre of land upto 7 karam depth of main road in village Alladad Chak Sultanpur Lodhi Chowdhrian and Rs.5,00,000/- per acre upto 7 karam depth on link road to village Machhi Joan and Rs.4,50,000/- for the remaining land.

On a reference being made, the Reference Court did not enhance the compensation. Aggrieved thereby, the land owners preferred appeals in the High Court. The High Court by the impugned order has determined the compensation for village Alladad Chak

at the rate of Rs.8,20,000/- per acre and for the land situated in village Machhi Joan at the rate of Rs.6,26,000/- per acre has been determined without applying the belting system. Dissatisfied therewith appeals have been filed by land owners for enhancement of compensation.

It was urged by learned senior counsel appearing on behalf of the appellant that the compensation deserved to be enhanced for village Alladad Chak and Machhi Joan considering the exemplar evidence on record and that lot of development in the area has taken place, the compensation awarded is inadequate. The land was capable of being used for residential purpose and it was acquired for the purpose of housing. That is also an indicator for the potential value of the land. There was no rhyme or reason for differentiation of the value determined for the land in village Alladad Chak and village Machhi Joan. Mr. R.L. Batra, learned senior counsel has also urged that if determination is made on the strength of

comparative exemplar of sale deed P-25, an increase of at least 15% ought to have been granted that too on cumulative basis. The High Court has erred in not taking into consideration the other comparative exemplars submitted in evidence and the compensation determined is inadequate and the same deserves to be suitably enhanced.

Mrs. Rachana Joshi Issar, learned counsel appearing on behalf of the respondent has contended that compensation granted by the High Court is already on the higher side. The land was having no potential value. The High Court has looked into the fact that the land used to be flooded with water and was not capable of any use whatsoever and for the two different villages the same exemplar could not be applied keeping in view the value of the land was different. It was also submitted that the land revenue of the land for the village Machhi Jaon was lesser as compared to that of land of village Alladad Chak. Hence, no case for further enhancement was made

out in these appeals.

After considering the evidence on records, in particular, comparative sale exemplars, evidence adduced on behalf of the land owners; the sale deeds, Exhibit PA and A-3, have to be excluded from consideration as they were post Section 4 notification. Notification under Section 4 was issued on 11th August, 2000 whereas these sale deeds were executed on 4th May, 2001. The other exemplar on record, Exhibit A-4, reflect the price of approximately Rs.13,60,000/- executed on 19th May, 1996; it was for small area of 10 marlas. Obviously, sale being of small piece of land, it was for residential or commercial purpose. Exhibit A-5, sale deed was executed on 29th July, 1999, the land was sold at the rate of Rs.16,00,000/- per acre. Exhibit P-11 sale deed dated 19th March, 1999 related to sale of land of one kanal at the rate of Rs.20,00,000/- per acre; Exhibit P-12 sale deed dated 14th September, 1996 was for one marla of land at the rate of

Rs.1,12,00,000/- . Exhibit A-4 and A-5 were not taken into consideration by the High Court as they were for very small area related to sale of plot for residential/commercial purpose.

We have another exemplar in the form of Exhibit P-25 which had been taken into consideration by the High Court. It evinces the price of 16 kanal of land at the value of Rs.16,40,000/- by which amount comes to Rs.8,40,000/- per acre. The High Court has observed that 20% of the amount was required to be deducted in the facts and circumstances of the case towards development. If we deduct 20% of the amount out of the said figure, the amount would come to Rs.6,56,000/- (Rs.8,40,000-Rs.1,64,000= Rs.6,76,000/-) . Now, if we grant 15% increase for three years as the sale deed was executed on 3rd September, 1997 and acquisition had been made after three years on 11.08.2000, considering the evidence available in this case of escalation of price the amount would come to Rs.9,71,400/- the same is rounded off to Rs.9,72,000/-

(Rupees Nine Lakhs Seventy Two Thousand only). That we award with statutory benefits for Alladad Chak.

Coming to the village Machhi Joan it is apparent that land has been acquired for housing purpose under the same notification as a single block; land of village Alladad Chak and Machhi Joan is adjacent, the sale deed Exhibit P-25 is the land adjacent to the area that has been acquired of village Alladad Chak. It would not be appropriate to take into consideration the exemplar carrying lesser value of village Machhi Jaon but to adopt the same exemplar for village Aladad Chak; Exhibit P-25; of as that is adjacent and forms part of single block and that has been adopted for determination of the compensation for Alladad Chak. Thus, as the land had been acquired in a single block for the housing purpose and potentiality of the land of both villages is apparently similar, we award the compensation determined for village Alladed Chak to the land acquired at Machi Jaon village also, alongwith all

statutory benefits as envisaged under the Act.

The appeals, are allowed to the aforesaid extent.

No order as to costs.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGUDAR)

NEW DELHI,
NOVEMBER 8, 2017.

ITEM NO.7

COURT NO.10

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 SCivil Appeal No(s). 5105/2013

AVTAR SINGH & ANR.

Appellant(s)

VERSUS

STATE OF PUNJAB COLLECTOR & ANR.

Respondent(s)

WITH

C.A.No.5109/2013 (IV)C.A.No.5111/2013 (IV)C.A.No.5107/2013 (IV)C.A.No.5110/2013 (IV)C.A.No.5113/2013 (IV)C.A.No.5112/2013 (IV)C.A.No.5108/2013 (IV)C.A.No.5114-5116/2013 (IV)Date : 08-11-2017 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.R.L.Batta, Sr.Adv.
Mr.Ranjay Kumar Dubey, Adv.
Ms.Swatantra Rai, Adv.
Mrs.Priya Puri, Adv.Mr.Rajat Sharma, Adv.
Mr.Dinesh Verma, Adv.
Mr.S.L.Aneja, AOR

For Respondent(s)

Mrs.Rachana Joshi Issar, AOR

Mr.Kuldip Singh, AOR

Mr.A.N.Arora, AOR

Mr.Devendra 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)