

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(s). 4239-4240 OF 2004

RAJ KUMAR RAMAN DEV SINGH & ORS.

Appellant (s)

VERSUS

UNION OF INDIA

Respondent(s)

Date: 16/09/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDKAM SHARMA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s)

Mr. A.V. Palli, Adv.  
Mrs.Rekha Palli,Adv.  
Mr. Atul Sharma, Adv.

For Respondent(s)

Mr. H.P. Raval, ASG  
Ms. Padmalakshmi Nigam, Adv.  
Mr. Anil Katiyar, Adv.  
Ms. Sushma Suri,Adv.

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

These appeals are allowed to the extent indicated in  
the signed order.

(NEELAM GULATI)  
Sr. P.A.

(RENU DIWAN)  
COURT MASTER

(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 4239-4240 of 2004

RAJ KUMAR RAMAN DEV SINGH & ORS.

Appellant (s)

VERSUS

UNION OF INDIA

Respondent(s)

O R D E R

These appeals are directed against the judgment and order dated 30/05/2002 passed by the Jammu & Kashmir High Court whereby the High Court brought down the compensation awarded by the reference court in respect of the trees which came to be acquired alongwith the land and the super structure by the respondent by issuing the relevant Notifications under the Jammu & Kashmir Land Acquisition Act, 1990 (in short the 'Act') followed by an award.

The Land Acquisition Officer passed an award in respect of the aforesaid acquisition on 16.7.1996 awarding an amount of Rs.80,000/- for the trees. The reference court, however, upon going through the record, enhanced the same to an amount of Rs.4,00,000/- on the ground that there were altogether 407 trees

:2:

which according to the 1978 rate fixed by the Government itself was valued at Rs.79,000/- and when the Notification was issued sometime in 1991, the value of the trees had increased by 10 times and, therefore, the compensation payable for the trees according to the reference court should be Rs.7,90,000/-. But instead of awarding Rs.7,90,000/- what was awarded by the reference court was only Rs.4,00,000/- for the trees. In these appeals which is urged and what falls for our consideration is the issue of proper and just compensation awarded for the trees.

Having heard the learned counsel appearing for the parties and having gone through the records, we find that in all 407 trees were there in the land which was acquired. For the loss of the said trees compensation also has to be paid to the claimants for the trees standing on the land. The land and the trees were acquired in the year 1991. According to the reference court, the value of the 407 trees on the basis of the 1978 Notification would be 79,000/- but since there was a relative increase of the value of the trees by 10 times in the

1991 Notification, therefore, the valuation should be as 7,90,000/- but despite the said fact what was awarded was only Rs.4,00,000/-.

As against the aforesaid award of the reference court, the Union of India filed an appeal before the High Court challenging the quantum of compensation awarded so far as valuation of land and building is concerned. The said appeal came to be dismissed

:3:

by the High Court. There was another appeal filed by the claimants in respect of award of compensation for trees seeking higher compensation.

The High Court, while passing its judgment and order, sustained the valuation fixed by the reference court so far as land and building is concerned but so far as trees are concerned, the High Court brought down the compensation to Rs.88,000/- without jurisdiction and that also despite the fact there was no appeal filed by the Union of India as against the valuation fixed so far trees are concerned.

Since no appeal was preferred by the Union of India as against the valuation fixed by the reference court in respect of the trees, therefore the High Court could not have decreased the compensation of the trees to Rs.88,000/- from Rs.4,00,000/-.

The aforesaid act on the part of the High Court, in our considered opinion, was without jurisdiction. Even otherwise the valuation of the trees of 1979 at Rs.79,000/- through the years must have undergone an upward increase. Trees have become very

valuable as prices of timber has gone up in the market through

the years. Land was acquired in 1991 and in this period of 12

years, assessment of value of the trees at Rs.4,00,000/- cannot be said to be unjust and improper.

We, therefore, set aside the said order passed by the High Court and hold that the appellants-claimants should be entitled

to compensation at Rs.4,00,000/- for the trees in all. We,

:4:

therefore, allow these appeals to the aforesaid extent. We

also hold that the appellants shall be entitled to statutory benefits as awarded by the reference court leaving the parties to bear their own costs.

.....J  
(Dr. MUKUNDAKAM SHARMA)

.....J  
(ANIL R. DAVE)

NEW DELHI,  
September 16, 2010