

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

Petition(s) for Special Leave to Appeal (Civil) No(s).30016-30021/2013
(From the judgement and order dated 16/11/2011 in LAC No.33/1998,LAC No.35/1998,LAC No.43/1998,LAC No.46/1998,LAC No.36/1999,LAC No.52/1999,RFA No.5570/2001,RFA No.5571/2001,RFA No.5574/2001,LAC No.246/2002,LPA No.251/2002,LAC No.617/2002 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJINDER & ANR. ETC. ETC.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With office report)

Date: 07/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Ashwani Kumar, Adv.
Ms.Iti Sharma, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Feeling dissatisfied with the enhancement granted by the learned Single Judge of the Punjab and Haryana High Court in the amount of compensation determined by the Reference Court, the petitioners have filed these petitions.

By notification dated 8.9.1993 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Government of Haryana proposed the acquisition of 134 acres 5 kanals and 10 marlas land situated in the revenue estate of Village Manakpur, Hadbast No.386, Tehsil Jagadhri, District Yamuna Nagar for development and utilization thereof for establishing an industrial area. After completion of the acquisition proceedings, the Land Acquisition Collector passed award dated 8.10.1997 and determined market value of the acquired land at the rate of Rs.1,75,000/- per acre. The Reference Court enhanced the amount of compensation to Rs.1,85,000/- per acre.

In the appeals filed under Section 54 of the Act, the petitioners reiterated their plea for grant of enhanced compensation from Rs.5 lakhs to Rs.8 lakhs per acre.

In support of their claim for payment of enhanced compensation, the petitioners produced as many as 10 sale instances. On behalf of the State, 4 sale instances were produced. The learned Single Judge noted the arguments made by learned counsel for the parties and observed:

"No doubt the transactions of adjoining villages can also be good guide when the instances from the village where the acquired land is situated are not available, whereas, in the instant case, the respondents have placed on record the sale transactions of village Manakpur itself and in fact Ex.R1 to R-4 are out of the acquired land itself. Moreover, there is no evidence on record on the basis of which the sale instances placed on record by the appellants with regard to village Chaneta and Udhamgarh can be said to be comparable sale instances for determining the market value of the acquired land in question. Not only this, a finding has been recorded by the Reference Court that the sale deeds of these villages cannot be

considered to be guiding factors for assessing the market value of the land in question as village Chaneta and Udhamgarh are near the municipal limits of Jagadhri and the prices are bound to be high on account of land being located adjacent to the urban area. Admittedly, the land of village Udhamgarh falls first while going from Jagadhri to Manakpur and village Manakpur is situated in between Jagadhri and Chhachhrauli far away from Jagadhri. The location of the sale instances of village Udhamgarh and Chaneta was also located on the Aks-shajra (Ex.P2). With the help of the learned counsel for the parties and after noticing the khasra numbers of the aforesaid sale instances, it was found that the land underneath all these sale instances was almost adjacent to the urban area of Jagadhri town and far away from the acquired land.

In view of the aforesaid evidence on record and in the absence of any other evidence to controvert the aforesaid findings, no error can be found in the judgment of the Reference Court for not relying upon the sale instances of other villages produced by the appellants. Ex. P-13 dated 29.9.1998 which pertains to village Manakpur was rightly discarded being post dated. Counsel for the appellants also could not dispute the fact that agreement dated 30.03.1993 (Ex. P-100 could not be relied upon as the same remained unproved. Thus, the sale instances relied upon by the appellants cannot be made the basis for determination of compensation.

On the other hand, sale instances Ex.R-1 to R-4 pertains to the acquired land itself and are also comparable. The sale instances Ex. R-1 dated 21.6.1991 reflect that the price of land at Rs.1,71,162/- per acre. It can also not be disputed by the learned counsel appearing on behalf of the State that keeping in view the potentiality of the land and that there was a rising trend in the prices of the land in the vicinity of the acquired land, the claimants are entitled to an increase at the rate of 12% per annum for the period (i.e. from 21.6.1991 the date of sale deed Ex. R-1 upto 8.9.1993 the date of notification under Section 4 of the Act) and after calculating the increase, the price per acre comes to approximately Rs.2,17,351/-."

The learned Single Judge then referred to several judgments and awarded total compensation of Rs.2,17,351/- per acre with other statutory benefits.

In our opinion, the impugned judgment is based on correct analysis of the factual matrix of the case and the evidence produced by the parties and there is no scope for enhancing the compensation awarded to the petitioners by the High Court.

The special leave petitions are accordingly dismissed.

Before parting with the case, we may mention that Baljit Singh Gill had filed SLP(C)No.13701/2013 @ CC No.6428/2013 for setting aside the impugned order but the same was withdrawn by his counsel on 1.4.2013 with liberty to seek review of the judgment under challenge. However, in these cases, no such prayer was made by the learned counsel for the petitioners.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master