

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4093 OF 2014
(Arising out of SLP (C) NO. 13809 OF 2008)

|State of Haryana & Ors.

|.. Appellant(s)

Versus

|Suresh Chand Garg

|.. Respondent(s)

O R D E R

1. Delay condoned.

2. Application(s) for substitution, if any, is allowed.

3. Leave granted.

4. This appeal is directed against the judgment and order passed by the High Court of Punjab and Haryana in L.P.A. No. 1367 of 2001 in Regular First Appeal No. 2342 of 1999, dated 10.08.2005.

5. The facts in brief are:

The Government of Haryana issued a notification, dated 11.05.1990 under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), for acquisition of land measuring 185.74 acres situated in the revenue estate of Village Ankhir, District Faridabad and land measuring 13.19 acres situated in village Fatehpur Chandela, District Faridabad for the purpose of development and utilization of land for residential and commercial purposes of Sector 21-D, Faridabad.

6. After considering the objections that were filed by the land-owners, the State Government has issued a declaration under Section 6 of the Act.

7. The Land Acquisition Collector after considering the claim of the land-owners, has quantified the compensation at Rs.3.50/- lacs per acre with all other statutory benefits.

8. The land-owners, being aggrieved by the compensation so awarded by the Land Acquisition Collector had sought for a reference under Section 18 of the Act, inter alia, requesting to refer the matter to a Civil Court for proper adjudication and for fixing the fair market value of the land. After receipt of the reference from the Land Acquisition Collector the Reference Court permitted the parties to lead evidence to sustain their claim made for enhancement of compensation.

9. The Reference Court after recording the evidence of the parties, has enhanced the compensation awarded by the Land Acquisition Collector from Rs.3.50 lacs per acre to Rs.360/- per square yard with all other statutory benefits.

10. Being aggrieved by the judgment and order passed by the Reference Court, the State as well as the land-owners approached the High Court by filing Regular First Appeals. The learned Single Judge while partly allowing the appeals filed by the State, relied upon the decision of the same High Court in the case of State of Haryana vs. Escort Dealers Development Association Limited, reported in 1993 (3) PLR 466 and reduced the compensation awarded by the Reference Court from Rs.360/- per Square yard to Rs.281.76/- per square yard and dismissed the appeals filed by the land-owners.

11. Aggrieved by the order so passed by the learned Single Judge the land-owners as well as the State preferred Letter Patent Appeals before the Division Bench of the High Court. A reliance was placed by the land-owners on Exhibit P-22 i.e. award passed in acquisition proceedings, dated 30.07.1987 wherein land in village Mewla Maharajpur had been acquired for the purpose of construction of link road in Sector-46, Faridabad and requested the High Court to enhance the compensation from Rs.281.76/- per square yard to Rs.337.20/- per square yard. However, the Court relying upon the decision of the same High Court in the Letters Patent Appeal filed by one Horam, S/o.Budha, R/o.Village Mewla Maharajpur, District Faridabad vs. State of Haryana had further reduced the compensation that was awarded by the learned Single Judge from Rs.281.76/- per square yard to Rs.250/- per square yard.

12. Being aggrieved by the order so passed by the Division Bench of the High Court, the State is before us in this Civil Appeal.

13. We have heard Shri Narender Hooda, learned senior counsel appearing for the State of Haryana and other learned counsel appearing for the respective parties.

14. The Division Bench of the High Court while modifying the compensation awarded by the learned Single Judge had relied upon the decision of the same High Court in Horam's case (supra). It is pertinent to mention here that the decision in Horam's case (supra) has been affirmed by this Court while disposing of the Special Leave Petition (C) No. 9994 of 2006, dated 08.05.2006.

15. Having carefully considered the submissions made by the learned counsels for the parties and after carefully gone through the impugned judgment(s) and order(s) passed by the High Court we are of the considered opinion that the High Court had not committed any error whatsoever which would call for our interference.

16. In view of the above, while sustaining the impugned judgment and order passed by the High Court, we dismiss this Civil Appeal.

17. We are informed by the learned counsel appearing for the land-owners that pursuant to the judgment and order passed by the learned Single Judge, the State Government had already released the amount of compensation as fixed by the learned Single Judge. If that is so, we now direct the State Government not to initiate any proceedings against the land-owners to recover the amount paid to them pursuant to the impugned judgment and order passed by the learned Single Judge.

Ordered accordingly.

CIVIL APPEAL NO.4094 OF 2014
(Arising out of SLP(C) No. 10287 of 2007)

CIVIL APPEAL NO.4095 OF 2014
(Arising out of SLP(C) No. 10286 of 2007)

CIVIL APPEAL NO.4096 OF 2014
(Arising out of SLP(C) No. 10283 of 2007)

CIVIL APPEAL NO.4097 OF 2014
(Arising out of SLP(C) No. 8704 of 2007)

CIVIL APPEAL NO.4098 OF 2014
(Arising out of SLP(C) No. 8791 of 2007)

CIVIL APPEAL NO.4099 OF 2014
(Arising out of SLP(C) No. 8706 of 2007)

CIVIL APPEAL NO.4100 OF 2014
(Arising out of SLP(C) No. 10316 of 2007)

CIVIL APPEAL NO.4101 OF 2014
(Arising out of SLP(C) No. 25081 of 2005)

CIVIL APPEAL NO.4102 OF 2014
(Arising out of SLP(C) No. 8700 of 2007)

CIVIL APPEAL NO.4103 OF 2014
(Arising out of SLP(C) No. 8705 of 2007)

CIVIL APPEAL NO.4104 OF 2014
(Arising out of SLP(C) No. 25087 of 2005)

CIVIL APPEAL NO. 4105 OF 2014
(Arising out of SLP(C) No. 8702 of 2007)

CIVIL APPEAL NO.4106 OF 2014
(Arising out of SLP(C) No. 8795 of 2007)

CIVIL APPEAL NO.4107 OF 2014
(Arising out of SLP(C) No. 8701 of 2007)

CIVIL APPEAL NO.4108 OF 2014
(Arising out of SLP(C) No. 8794 of 2007)

CIVIL APPEAL NO.4109 OF 2014
(Arising out of SLP(C) No. 8709 of 2007)

CIVIL APPEAL NO.4110 OF 2014
(Arising out of SLP(C) No. 8792 of 2007)

CIVIL APPEAL NO.4111 OF 2014
(Arising out of SLP(C) No. 65 of 2006)

CIVIL APPEAL NO.4112 OF 2014
(Arising out of SLP(C) No. 10282 of 2007)

CIVIL APPEAL NO.4113 OF 2014
(Arising out of SLP(C) No. 10284 of 2007)

CIVIL APPEAL NO.4114 OF 2014
(Arising out of SLP(C) No. 10285 of 2007)

CIVIL APPEAL NO. 4115 OF 2014
(Arising out of SLP(C) No. 11790 of 2007)

CIVIL APPEAL NO.4116 OF 2014
(Arising out of SLP(C) No. 9083 of 2007)

CIVIL APPEAL NO.4117 OF 2014
(Arising out of SLP(C) No. 14108 of 2006)

CIVIL APPEAL NO.4118 OF 2014
(Arising out of SLP(C) No. 31097 of 2008)

1. Delay condoned.
2. Substitution application(s), if any, is allowed.
3. Leave granted.
4. In view of order passed in Civil Appeal arising out of Special Leave Petition (C) No. 13809 of 2008, these appeals are also dismissed in the same terms, observations and directions.

Ordered accordingly.

.....J.
[H.L. DATTU]

.....J.
[S.A. BOBDE]

NEW DELHI,
MARCH 26, 2014.

ITEM NO. 1

COURT NO.3

SECTION IVB

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

Petition(s) for Special Leave to Appeal (Civil) No(s).13809/2008

(From the judgement and order dated 10.08.2005 in LPA 1367 of 2001 in

STATE OF HARYANA & ORS.

Petitioner(s)

VERSUS

SURESH CHAND GARG

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

WITH SLP(C) NO.10281/2007, 10287/2007, 10286/2007, 10283/2007,
8704/2007, 8791/2007, 8706/2007, 10316/2007, 25081/2005,
8700/2007,8705/2007, 25087/2005, 8702/2007, 8795/2007, 8701/2007,
8794/2007, 8709/2007, 8792/2007, 65/2006, 10282,2007, 10284/2007,
10285/2007, 11790/2007, 9083/2007, 14108/2006, 31097/2008

Date: 26/03/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)/ Mr. Narender Hooda, Sr. Adv. AAG

Respondent(s)

Mr. Manjit Singh, AAG

Dr. Monika Gusain, Adv.

Mrs. Vivekta Singh, Adv.

Mrs. Nupur Chaudhary, Adv.

Mr. Tarjit Singh Chikkara, Adv.

Ms. Chaitali Y Dhinoja, Adv.

Mr. Kamal Mohan Gupta, Adv.

Dr. Sumant Bharadwaj, Adv.

Ms. Ankita Chaudhary, Adv.

Mr. Sunil Goyal, Adv.

Mrs. Mridula Ray Bharadwaj, Adv.

Mr. Somvir Singh Deswal, Adv.

Mr. Satbir Singh, Adv.

Dr. Sushil Balwada, Adv.

Mr. Devashish Bharuka, Adv.

Mr. L.R. Singh, Adv.
Mr. Sujit Prasad, adv.
Mr. Sunish Chand Sharma, adv.

Mr. Sanjay Jain, Adv.

Mr. Sanjay Sharawat, Adv.

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

SLP(C) No. 13809/2008

Delay condoned.
Application for substitution, if any, is allowed.

Leave granted.

The appeal is dismissed.

Rest of the matters

Delay condoned.
Application for substitution, if any, is allowed.

Leave granted.

In view of order passed in civil appeal arising out of
SLP(C) No. 13809/2008, these appeals are also dismissed in the
same terms, observations and directions.

| [Charanjeet Kaur] | | [Vinod Kulvi] |
| Court Master | | Asstt. Registrar |

[Signed order is placed on the file]