

ITEM NO.3

COURT NO.11

SECTION IVA

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

I.A.Nos.4 & 5 In Petition(s) for Special Leave to Appeal (Civil)
No(s).9830/2007

(From the judgement and order dated 24/01/2006 in FA No. 72/2001
of The HIGH COURT OF M.P AT GWALIOR)

STATE OF M.P.

Petitioner(s)

VERSUS

SUGHAR SINGH & ORS.

Respondent(s)

(For withdrawal of compensation amount and office report)
WITH

I.A.Nos.4 & 5 In SLP(C)No.9841/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9842/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9846/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9847/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9852/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9854/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9857/2007

(For withdrawal of compensation amount and office report)

I.A.Nos.4 & 5 In SLP(C)No.9875/2007

(For withdrawal of compensation amount and office report)

I.A.Nos.4 & 5 In SLP(C)No.9871/2007

(For withdrawal of compensation amount and office report)

I.A.Nos.4 & 5 In SLP(C)No.9872/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9885/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9878/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9883/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9886/2007

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(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9881/2007

(For withdrawal of compensation amount and office report)

I.A.Nos.4 & 5 In SLP(C)No.9893/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9888/2007

(For withdrawal of compensation amount and office report)

I.A.No.4 In SLP(C)No.9895/2007

(For withdrawal of compensation amount and office report)

Date: 31/01/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. B.S. Banthia, Adv.
Mr. Naveen Sharma, Adv.

For Respondent(s) Mr. Sibbo Sankar Mishra, Adv.
Mr. Rajkumar Parashar, Adv.

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

Although, these special leave petitions have been listed for consideration of the interlocutory applications filed by some of the respondents-land owners for issue of a direction to the petitioner to release the amount of compensation lying deposited in the Court of 3rd Additional District Judge, Morena (hereinafter referred to as, 'the Reference Court'), with the consent of the learned counsel for the parties the main cases have been taken up for hearing.

The petitioner is aggrieved by the judgment of the Division Bench of the Madhya Pradesh High Court, Gwalior Bench which dismissed the first appeals filed by it against the award passed by the Reference Court for payment of higher compensation to the respondents.

The petitioner has also filed applications
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for condonation of 325 days delay in filing the special leave petitions.

We have heard Shri B.S. Banthia, learned counsel appearing for the State of Madhya Pradesh and Shri Sibbo Sankar Mishra, learned counsel for the respondents.

Although, the explanation given by the petitioner for condonation of about one year's delay is not satisfactory, we do not propose to dismiss the special leave petitions on that ground because the matter has remained pending at the admission stage for more than three years.

However, on merits, we are convinced that the Reference Court did not commit any error by enhancing market value of the acquired land from Rs.1,10,000/- per hectare fixed by the Land Acquisition Officer to Rs. 1,50,000/- per hectare.

The Government of Madhya Pradesh acquired 39,703 hectares land for extension of the industrial area in village Noorabad, Tehsil Morena. Notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 26.7.1989 and declaration under Section 6 was issued on 22.9.1989. The Land Acquisition Officer fixed market value of the acquired land at Rs. 1,10,000/- per hectare. The Reference Court, after considering the pleadings and evidence of the parties, fixed market value of the acquired land at Rs.1,50,000/- per hectare. The High Court examined various facets of the petitioner's challenge to the award of the Reference Court and held that there was no valid ground or justification to reduce market value fixed by the Court. Para 22 of the impugned judgement which contains the reasons assigned

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by the High Court for refusing to interfere with the award of the Reference Court is extracted below:

"The learned reference Court has also considered that the compensation was paid for land acquired in Malanpur area at the rate of Rs. 1,58,360/- however, the said land is situated on the other side of Gwalior at quite distance but at the same time it cannot be ignored

that aforesaid rate was determined and paid with respect to per hectare value of the land at Malanpur which area was not that much developed as compared to the area in question though said evidence cannot be treated as clinching one for the area in question considering the distance. In view of the factual situation obtainable in the instant case and considering the relevant factors for arriving at the value of the land, we find that compensation of Rs. 1,50,000/- per hectare which has been determined is reasonable one, it cannot be said to be excessive in any manner. The learned reference Court has not given the compensation at the rate of Rs. 1,73,250/- per hectare for which the land was purchased to establish Punj Lloyed industry; compensation has been awarded at a lesser figure and the value has been taken not on the basis

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of small piece of land, value has been arrived at per hectare not on per square feet or per meter, thus, we find that case for interference in these appeals is not made out; at the same time we find that the price awarded is reasonable one, no case for further enhancement as prayed in F.A. No. 153/2001 is made out."

We entirely agree with the Division Bench of the High Court that fixation of market value by the Reference Court at Rs. 1,50,000/- per hectare does not suffer from any legal error. We are also convinced that in a matter like the present one where a partly enhancement of Rs.40,000/- per hectare was granted by the Reference Court and upheld by the High Court, the State should not have invested money in prosecuting the matter before this Court.

The special leave petitions are accordingly dismissed condoning the delay in filing the same.

With a view to ensure that the land owners are not fleeced by the middleman, we deem it proper to issue following further directions:

(i) The Land Acquisition Officer shall depute officers subordinate to him not below the rank of Naib Tehsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.

(ii) The concerned officers shall also instruct the land owners and/or their legal representatives to

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open savings bank account in case they already do not have such account.

(iii) The bank account numbers of the land owners should be given to the Land Acquisition Officer within two months.

(iv) The Land Acquisition Officer shall deposit the demand drafts of compensation in the bank accounts of the land owners and/or their legal representatives within next one month.

All the interlocutory applications filed by the respondents for release of the amount of compensation are disposed of as infructuous.

A copy of this order be sent to the respondents in these special leave petitions so that they may contact concerned Land Acquisition Officer for payment of the balance amount of compensation.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master