

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2433-2434/2009

RAJ KUMAR & ORS.

APPELLANT(S)

VERSUS

THE COLLECTOR LAND ACQUISITION & ORS.

RESPONDENT(S)

WITH

C.A. No. 4190/2009 & C.A. No. 6273-6274/2009

O R D E R

The land in question measuring about 21 acres owned by the appellants herein was acquired for setting up of a grain market by issuing a notification under Section 4 of the Land Acquisition Act on 27.12.1988. The Land Acquisition Officer awarded compensation at Rs.30,000/- per acre for nehri land, Rs.15,000/- per acre for barani land and Rs. 15,000/- per acre for gair mumkin land. The Reference Court enhanced the compensation to Rs.38,000/- per acre, Rs. 18,000/- per acre and Rs.17,000/- per acre respectively in respect of the said three different sets of land. The High Court, in appeal, further enhanced the compensation at Rs.50,000/- per acre in respect of land

situated within 100 meters from the Highway whereas determined the compensation at Rs.45,000/- per acre in respect of the land which is more than 100 meters from the Highway.

Heard learned counsel for the respondents and perused the record.

Though, the High Court was justified in relying upon the statistics arising out of the sale deeds (Exhibit A29, Exhibit A30 and Exhibit A31), in our considered opinion, not justified in deducting 65% of the amount towards the smallness of the land contained in the exhibited sale deeds. It is not in dispute that, the land in question, which is acquired, is very near to the Highway and is acquired for the formation of the grain market. It is quite close to the urbanized area and have great potential for urbanization.

Having regard to the aforementioned facts and circumstances of the case and other material on record, it would be appropriate and reasonable to deduct 50% of the amount instead of 65% as deducted by the High Court. If 50% amount is deducted, the compensation works out to Rs.70,500/- per acre.

There is no reason for granting lesser compensation

in respect of the lands which are about 100 meters away from the Highway inasmuch as all lands are forming one block and are proposed to be used for the grain market. Accordingly, the appellants are entitled to compensation at Rs.70,500/- per acre in respect of the lands acquired. It is needless to observe that the appellants are entitled to all the statutory benefits in accordance with law on the enhanced compensation.

The appeals are, accordingly, allowed.

.....J.
[MOHAN M. SHANTANAGODAR]

.....J.
[R. SUBHASH REDDY]

NEW DELHI;
JANUARY 16, 2020.

ITEM NO.101

COURT NO.13

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 S

Civil Appeal No(s). 2433-2434/2009

RAJ KUMAR & ORS.

Appellant(s)

VERSUS

THE COLLECTOR LAND ACQUISITION & ORS.

Respondent(s)

(SERVICE IS COMPLETE.)

WITH

C.A. No. 4190/2009 (IV)

C.A. No. 6273-6274/2009 (IV)

Date : 16-01-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Appellant(s) Mr. S. K. Verma, AOR (Not present)

Mr. Vivek Gupta, AOR(Not present)

For Respondent(s) Ms. Pragya Bhagel, Adv.
Ms. Ranjeeta Rohatgi, 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.

Pending application(s), if any, stands disposed of
accordingly.

(ASHWANI THAKUR)
COURT MASTER (SH)(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER

(Signed order is placed on the file)