

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).4249-4265 OF 2009

POWER GRID CORP.OF INDIA LTD.

APPELLANT(S)

VERSUS

HARI CHAND & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO.4266 OF 2009

CIVIL APPEAL NO.4267 OF 2009

CIVIL APPEAL NO.4268 OF 2009

CIVIL APPEAL NO.4269 OF 2009

CIVIL APPEAL NO.4307 OF 2009

CIVIL APPEAL NO.4308 OF 2009

CIVIL APPEAL NO.4309 OF 2009

CIVIL APPEAL NO.4310 OF 2009

CIVIL APPEAL NO.6828 OF 2009

CIVIL APPEAL NO.6829 OF 2009

CIVIL APPEAL NO.6830 OF 2009

CIVIL APPEAL NO.6832 OF 2009

CIVIL APPEAL NO.6833 OF 2009

CIVIL APPEAL NO.6857 OF 2009

CIVIL APPEAL NO.8442 OF 2009

O R D E R

1. Delay, in filing the application for substitution, if any, is condoned.
2. Application for substitution, if any, is allowed.
3. These appeals are directed against the judgment(s) and order(s) passed by the High Court of Punjab and Haryana in R.F.A Nos.2343, 2178, 2203, 2204, 2217, 2339, 2340, 2341, 2342, 2668, 2669, 2670, 3421, 3422, 3423, 3424, 3637 of 1993, dated 30.10.2008 whereby and whereunder, the High Court has awarded compensation to the land owners at the rate of Rs.1,33,000/- per acre.
4. For convenient disposal of these matters, we would only notice the facts in Civil Appeal Nos.4249 - 4265 of 2009.

5. Brief facts: The State of Haryana had issued notification, dated 26.12.1989 under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") to acquire 32.63 acres of land situated in Revenue Estate of village Bhambauli, Hadbast No.435, Tehsil Jagadhri, District Yamuna Nagar for the public purpose of construction of 400 K.V, Sub Station for the National Thermal Power Station. Thereafter, the notification was issued under Section 6 of the Act, dated 12.02.1990.

6. The Land Acquisition Collector (for short, "the LAC"), determined the compensation payable for the acquired lands at Rs.75000/- per acre by award dated 20.04.1990.

7. The land owners, not being satisfied with the compensation so awarded by the LAC, approached the LAC and sought for a reference under Section 18 of the Act to the Civil Court for enhancement in the amount of compensation. The LAC had referred

the case of the land owners to the Reference Court where it was registered as 37 LAC of 1993. The claimants had contended that the compensation was inadequate and that the acquired land was situated on the main Ambala-Jagadhari road and was proximate to the village Bhambauli. The claimants further contended that the land has greater potentiality since it is 4 marlas away from Thana Chappar town and is situated close to shopping complex industrial areas and poultry farms. The respondent-State, contesting the aforesaid plea contended that the compensation was just, fair and adequate. The Reference Court after considering the aforesaid submissions had framed the issue with respect to determination of market value of the acquired land at the time of acquisition. The Reference Court while arriving at the market value considered the average price of six sale instances and determined the value as Rs.1,03,234/- per acre, by order dated 02.04.1993.

8. Dissatisfied with the compensation awarded by the Reference Court, the land owners had preferred a Regular First Appeal before the High Court. The High Court relied on a specific sale deed and observed that the value of the area dealt in the sale deed was Rs. 1,90,000/- per acre and observed that the area acquired in the dispute was located far from it. The High Court in its order, further enhanced the compensation awarded to Rs.1,33,000/- per acre by its order dated 30.10.2008.

9. Aggrieved by the order so passed by the High Court, the appellants are before us in these appeals.

10. The appellants would contend that the High Court has wrongly relied on the sale deed for the purpose of computing the amount of compensation and that the value in the sale deed relied upon

could have been fixed in anticipation of the acquisition.

11. We have heard learned counsel for the parties to the *lis* and also carefully perused the documents on record. We find no infirmity in the order(s) passed by the High Court.

12. Therefore, in our considered opinion, we see no ground to interfere with the impugned judgment(s) and order(s) passed by the High Court. Accordingly, the civil appeals are dismissed.

Ordered Accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
FEBRUARY 19, 2015

ITEM NO.5

COURT NO.1

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCivil Appeal No(s). 4249-4265/2009

POWER GRID CORP.OF INDIA LTD.

Appellant(s)

VERSUS

HARI CHAND & ORS.

Respondent(s)

(With appln.(s) for deletion of proforma respondents)

WITH

CIVIL APPEAL NO(S). 4266/2009CIVIL APPEAL NO.4267/2009

(With Office Report)

CIVIL APPEAL NO.4268/2009

(With Office Report)

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(With Office Report)

CIVIL APPEAL NO.6857/2009
(With Office Report)

CIVIL APPEAL NO.8442/2009
(With Office Report)

Date: 19/02/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. S.B. Upadhyay, Sr. Adv.
Mr. Pawan Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Ms. Sharmila Upadhyay, Adv.

Mr. Robin Dutt, Adv.
Mr. Ran Singh, Adv.
Mr. Yash Pal Dhingra, Adv.

Mr. Vivek Sharma, Adv.
For M/s. Temple Law Firm

For Respondent(s) Mr. S.B. Upadhyay, Sr. Adv.
Mr. Pawan Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Ms. Sharmila Upadhyay, Adv.

Dr. Monika Gusain, Adv.

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

Delay, in filing the application for substitution,
if any, is condoned.

Application for substitution, if any, is allowed.

The appeals are dismissed in terms of the signed order.

Pending application(s), if any, stand disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file)