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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8716-8721 OF 2011

DOONGER SINGH & ORS.

.. APPELLANT(S)

VERSUS

STATE OF PUNJAB THROUGH LAND
ACQUISITION COLLECTOR & ORS.

.. RESPONDENT(S)

WITH

CIVIL APPEAL NOS. 8722-8723/2011

CIVIL APPEAL NOS. 8724-8731/2011

CIVIL APPEAL NO. 8732/2011

CIVIL APPEAL NO. 8733-8737/2011

CIVIL APPEAL NO. 8738/2011

CIVIL APPEAL NOS. 8740-8746/2011

CIVIL APPEAL NOS. 8750-8758/2011

CIVIL APPEAL NOS. 8759-8798/2011

CIVIL APPEAL NOS. 8799-8806/2011

CIVIL APPEAL NO. 8807/2011

CIVIL APPEAL NOS. 438-475/2012

CIVIL APPEAL NOS. 476-516/2012

Signature Not Verified

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Charanjeet Kaur
Date: 2015.02.02

CIVIL APPEAL NOS. 7993-8034 OF 2011

15:59:52 IST

Reason:

O R D E R

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1. Civil Appeal Nos. 7993-8034 of 2011 are taken

on Board.

2. Delay, in filing the application(s) for
substitution, if any, is condoned.

3. Application(s) for substitution, if any, is/are
allowed.

4. These appeals are directed against the
judgment(s) and order(s) passed by the High Court of

Punjab and Haryana in a batch of Regular First Appeals, dated 04.12.2008, whereby and whereunder, the High Court has disposed of the matters in light of its judgment and order in R.F.A. No. 2179 of 2002.

5. Since the facts involved in all these appeals are identical, for the sake of convenience, this Court would only notice the facts in the Civil Appeal Nos.8716-8721 of 2011.

6. The facts in brief are : The lis pertains to the acquisition of land in four villages, namely, Lehra Saundha, Lehra Mohabbat, Lehra Dhulkot and Patti Karam Chand. The acquisition is for the purpose of setting up of Guru Nanak Thermal plant Stage III, Bhatinda. As far as land pertaining to village Lehra Saundha is concerned, notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was issued on 23.07.1992 for acquisition of 3865 kanals 14 marlas of land. The same was followed by the notification issued under Section 6 of the Act, dated 28.01.1993. After issuance of the aforesaid notification, the Land Acquisition Collector (for short, "the Collector") on 19.11.1994 determined the value of the land as under:

- | | | |
|-------|-------------|----------------------|
| (i) | Nehri | Rs.48,015/- per acre |
| (ii) | Chahi | Rs.60,645/- per acre |
| (iii) | Barani | Rs.4,352/- |
| (iv) | Gair Mumkin | Rs.95,070/- |

7. The claimants, not being satisfied with the compensation so awarded by the Collector, approached the latter and sought for a reference under Section 18 of the Act to the Civil Court for determination of the actual market value of the land. The Collector had referred the case of the claimants to the

Reference Court.

8. The learned Reference Court, on reference under Section 18 of the Act, by its award dated 18.01.2002, determined the value of the land as under:

(i) Nehri	Rs.70,000/- per acre
(ii) Chahi	Rs.80,000- per acre
(iii) Barani	Rs.40,000/- per acre
(iv) Gair Mumkin	Rs.1,10,000/- per acre

9. As far as land pertaining to Lehra Mohabbat is concerned, notification under Section 4 of the Act was issued on 16.07.1992 for acquisition of land measuring 1704 kanals. The same was followed by notification dated 28.01.1993 issued under Section 6 of the Act. After issuance of the aforesaid notification, the Collector on 22.08.1995 determined the value of the land as under:

(i) Nehri	Rs.45,282/- per acre
(ii) Chahi	Rs.52,621/- per acre
(iii) Barani	Rs.33,835/- per acre
(iv) Gair Mumkin	Rs.67,538/- per acre

10. The claimants, not being satisfied with the compensation so awarded by the Collector, approached the latter and sought for a reference under Section 18 of the Act to the Civil Court for determination of the actual market value of the land. The Collector had referred the case of the claimants to the Reference Court.

11. The learned Reference Court, on reference under Section 18 of the Act, by its award dated 21.11.2002, determined the value of the land as under:

(i) Nehri	Rs.85,000/- per acre
(ii) Chahi	Rs.95,000- per acre

(iii) Barani Rs.65,000/- per acre
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(iv) Gair Mumkin Rs.1,10,000/- per acre

12. Regarding the land pertaining to village Lehra Dhulkot, notification under Section 4 of the Act was issued on 16.07.1992 for acquisition of land measuring 605 kanals 16 marlas. The same was followed by notification dated 28.01.1993, issued under Section 6 of the Act. After issuance of the aforesaid notification, the Collector on 22.09.1994 determined the value of the land as under:

(i) Nehri Rs.50,504/- per acre
(ii) Chahi Rs.50,504/- per acre
(iii) Barani Rs.20,000/- per acre
(iv) Gair Mumkin Rs.40,000/- per acre

13. The claimants, not being satisfied with the compensation so awarded by the Collector, approached the latter and sought for a reference under Section 18 of the Act to the Civil Court for determination of the actual market value of the land. The Collector had referred the case of the claimants to the Reference Court.

14. The learned Reference Court, on reference under Section 18 of the Act, by its award dated 28.02.2002, determined the value of the land as under:

(i) Nehri Rs.70,000/- per acre
(ii) Chahi Rs. 80,000/- per acre
(iii) Barani Rs.40,000/- per acre
(iv) Gair Mumkin Rs.1,10,000/- per acre

15. As far as land pertaining to village Patti Karam is concerned, notification under Section 4 of the Act was issued on 04.08.1992 for acquisition of land measuring 605 kanals 16 marlas. The same was

followed by notification dated 10.02.1993 issued under Section 6 of the Act. After issuance of the aforesaid notification, the Collector gave the award on 26.10.1994 determining the value of the land as under :

- | | |
|------------------|-----------------------|
| (i) Nehri | Rs.42, 298/- per acre |
| (ii) Chahi | Rs.56,000/- per acre |
| (iii) Barani | Rs.26,062/- per acre |
| (iv) Gair Mumkin | Rs.67,538/- per acre |

16. The claimants, not being satisfied with the compensation so awarded by the Collector, approached the latter and sought for a reference under Section 18 of the Act to the Civil Court for determination of the actual market value of the land. The Collector had referred the case of the claimants to the Reference Court.

17. The learned Reference Court, on reference under Section 18 of the Act, by its award dated 21.11.2002, determined the value of the land as under:

- | | |
|------------------|------------------------|
| (i) Nehri | Rs.1,45,000/- per acre |
| (ii) Chahi | Rs.80,000/- per acre |
| (iii) Barani | Rs.40,000/- per acre |
| (iv) Gair Mumkin | Rs.1,10,000/- per acre |

18. Aggrieved by the aforesaid order(s) so passed, the claimants approached the High court by way of Regular First Appeals. The High Court assessed the fair market value taking into account the average price of the sale deeds. The High Court determined the average value of the acquired lands which are in the nature of Chahi and Nehri lands at Rs.95,000/- per acre, reducing it from Rs.1,45,000/-. As far as Barani kind of land is concerned, the High Court held

that the value as assessed by the Reference Court in the cases pertaining to land of village Lehra Mohabbat was reasonable. The High Court concluded that there is no requirement of interference as far as the land of village Lehra Mohabbat was concerned. However, the High Court, in respect of land of other three villages, namely, Patti Karam, Lehra Soundha and Lehra Dhulkot, assessed the land at Rs.65,000/- by increasing the same from Rs.40,000/- per acre for the land pertaining to the villages Lehra Saundha and Lehra Dhulkot and reducing the same from Rs.90,000/- per acre for the land pertaining to village Patti Karam Chand. The High Court while reducing the compensation assessed by the Reference Court with respect to land in village Patti Karam Chand reasoned that the evidence referred to in the impugned award for the same village was not relevant to arrive at the value and lacked valid reasons for the value awarded therein. As far as Gair Mumkin kind of land is concerned, the High court did not interfere with the value of the land(s) assessed by the Reference Court.

19. Aggrieved by the aforesaid judgment(s) and order(s) passed by the High court, the claimants are before us in these appeals.

20. We have heard Shri V.V.S. Rao, learned senior counsel and other learned counsels appearing for the appellants and Shri Tarunvir Singh Khehar, learned counsel and other learned counsel for the respondent(s) in respective matters.

21. In our considered opinion, keeping in view the peculiar facts and circumstances of the case and other factors, we deem it appropriate to set aside

the judgment and order passed by the High Court in respect of village Patti Karam Chand only whereby it reduced the compensation awarded by the Reference Court from Rs.1,45,000/- to Rs.95,000/- in respect of Nehri and Chahi lands and from Rs.90,000/- to Rs.65,000/- as far as Barani land is concerned and restore the order passed by the Reference Court.

22. The impugned judgment(s) and order(s) passed by the High Court stands modified to the aforesaid extent.

23. It is pertinent to note here that this order is only qua the present appellants before us.

24. No interference with the judgment and order passed by the High court is called for in respect of Gair Mumkin land(s) of village Patti Karamchand and all types of lands in respect of villages Lehra Soundha, Lehra Dhulkot and Lehra Mohabbat.

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25. All the civil appeals are disposed of in terms of the order passed above.

Ordered accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[A.K. SIKRI]

.....J.
[ARUN MISHRA]

NEW DELHI,
JANUARY 29, 2015.
ITEM NO.10

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 PROCEEDINGS

Civil Appeal No(s). 8716-8721/2011

DOONGER SINGH & ORS.

Appellant(s)

VERSUS

WITH

C.A. No. 8722-8723/2011
(With Interim Relief)

C.A. No. 8724-8731/2011
(With Office Report)

C.A. No. 8732/2011
(With Interim Relief and Office Report)

C.A. No. 8733-8737/2011
(With Office Report)

C.A. No. 8738/2011
(With Office Report)

C.A. No. 8740-8746/2011
(With Office Report)

C.A. No. 8750-8758/2011
(With Office Report)

C.A. No. 8759-8798/2011
(With Office Report)

C.A. No. 8799-8806/2011
(With Office Report)

C.A. No. 8807/2011
(With Office Report)

C.A. No. 438-475/2012
(With Office Report)

C.A. No. 476-516/2012
(With Office Report)

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C.A. Nos. 7993-8034 of 2011

(With appln.(s) for c/delay in filing substitution appln.,
substitution appln., if any, in respective matters)

Date : 29/01/2015 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. V.V.S. Rao, Sr. Adv.
Mr. Sridhar Potaraju, Adv.
Mr. Gaichangpou Gangmei, Adv.
Mr. Arjun Singh, Adv.
Mr. A. Mukunda Rao, Adv.
Ms. Vijayshree Pattnaik, Adv.

Mr. Sirdhar Potaraju, Adv.
Mr. Gaichangpou Gangmei, Adv.
Mr. Arjun Singh, Adv.
Mr. A. Mukunda Rao, Adv.

Mr. Vikas Mahajan, Adv.
Mr. Vishal Mahajan, Adv.
Mr. Vinod Sharma, Adv.
Mr. Bhaskar Y. Kulkarni, Adv.

Mr. V.K. Jhanji, Sr. Adv.
Ms. Jyoti Mendiratta, Adv.

Mr. Vikram Mahajan, Sr. Adv.
Mr. Gagan Gupta, Adv.
Mr. G.S. Jaswal, Adv.
Mr. H.R. Noharia, Adv.
Mr. K.S. Rana, Adv.

For Respondent(s) Mr. Tarunvir Singh Khehar, Adv.
Mr. Guneet Khehar, Adv.
Mr. Ashok K. Mahajan, Adv.

Mr. Harinder Mohan Singh, Adv.

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Mr. Prabhat Kumar, Adv.
Ms. Prerna Kumari, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

Mr. Purvish Jitendra Malkan, Adv.
Ms. Kamakshi S. Mehlwal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

C.A. Nos. 7993-8034 of 2011 are taken on Board.

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

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

The civil appeals are disposed of in terms
of the signed order.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]