

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4243 OF 2012

H.S.I.D.C. . . . APPELLANT(S)

VERSUS

LAHRI & ORS. . . . RESPONDENT(S)

WITH

Special Leave Petition (C) No.21002 of 2012

Special Leave Petition (C) No.21114 of 2012

Special Leave Petition (C) No.21115 of 2012

Special Leave Petition (C) No.21116 of 2012

Special Leave Petition (C) No.21118 of 2012

Special Leave Petition (C) No.21120 of 2012

Special Leave Petition (C) No.21123 of 2012

Special Leave Petition (C) No.21126 of 2012

Special Leave Petition (C) No.21127 of 2012

Special Leave Petition (C) No.21128 of 2012

Special Leave Petition (C) No.21131 of 2012

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Special Leave Petition (C) No.21186 of 2012

Special Leave Petition (C) No.21189 of 2012

Special Leave Petition (C) No.21190 of 2012

Special Leave Petition (C) No.21191 of 2012

Special Leave Petition (C) No.21198 of 2012

Special Leave Petition (C) No.21199 of 2012

Special Leave Petition (C) No.21201 of 2012

Special Leave Petition (C) No.21202 of 2012

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Special Leave Petition (C) Nos.21625-21628 of 2012

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Special Leave Petition (C) No.21630 of 2012

Special Leave Petition (C) No.21631 of 2012

Special Leave Petition (C) No.414 of 2012

Special Leave Petition (C) No.30747 of 2012

Special Leave Petition (C) No.9966 of 2013

Special Leave Petition (C) Nos.27088-27090 of 2013

Special Leave Petition (C) No..... of 2013
CC No.11002

Civil Appeal Nos.5741-5742 of 2012

I.A.Nos....in S.L.P. ©....CC Nos.10340-10344 of 2014

Special Leave Petition (C) Nos.30291-30299 of 2014

Civil Appeal Nos.4227-4233 of 2012

Civil Appeal Nos.4234-4242 of 2012

Civil Appeal No.4244 of 2012

Civil Appeal No.4246 of 2012

Civil Appeal No.4248 of 2012

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Civil Appeal No.4786 of 2012

Civil Appeal Nos.5743 of 2012

Civil Appeal Nos.6930-6938 of 2012

Civil Appeal Nos.6939-6948 of 2012

Civil Appeal Nos.6037-6044 of 2012

Civil Appeal Nos.6045-6053 of 2012

Civil Appeal Nos.7287-7293 of 2012

Civil Appeal No.7790 of 2012

Civil Appeal Nos.9206 of 2012

Civil Appeal No.7383 of 2012

Civil Appeal No.6853 of 2010

Civil Appeal No.6859 of 2010

Civil Appeal No.6860 of 2010

Civil Appeal No.6864 of 2010

Civil Appeal No.6869 of 2010

O R D E R

1. Delay in filing of re-filing the Special Leave Petition(s) is condoned.
2. Delay, if any, in filing the application(s) for substitution, if any, is condoned.
3. Application(s) for substitution, if any, is allowed.
4. Application(s) for impleadment, if any, is allowed.
5. Application for discharge of advocate, if any, is allowed.
6. De-link C.A.No.7383 of 2013.
7. Since the facts involved in all these cases are more or less similar, for the sake of brevity, we would only notice the facts in Civil Appeal No.4243 of 2012

while deciding these connected matters.

Civil Appeal No.4243 of 2012:

8. The Haryana State Industrial and Infrastructure Development Corporation, formerly, H.S.I.D.C., (for short 'the Corporation'), aggrieved by the judgment(s) and order(s) passed by the High Court of Punjab and Haryana at Chandigarh, dated 05.07.2011, is before us in this appeal.

9. Briefly stated, the facts in the present appeal are: the *lis* pertains to acquisition of certain lands, belonging to the claimants of land-loosers, by the appellant-herein in District Sonapat, Haryana. The acquiring authority had issued a notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") to acquire 310.05 acres of land for the purpose of construction of New Fruit and Vegetable Complex, Tehsil & District, Sonapat, Haryana, dated 23.02.1994. After due consideration of the objections filed by the land-owners under Section 5-A of the Act, the acquiring authority had recommended to issuance of a

notification under Section 6 of the Act to the State Government. Accordingly, the State Government had issued a notification, dated 20.07.1994, declaring that the said land would be acquired for public purpose.

10. After issuance of the aforesaid notification, the Land Acquisition Officer (for short, "the LAO"), has determined the compensation payable in terms of market value of the Chahi/Nehri lands at Rs.1,25,000/- per acre, Barani/Roshli lands at Rs.70,000/- per acre, Banjar Qudim lands at Rs.50,000/- per acre and Gair Mumkin land at Rs.1,25,000/- per acre, by order dated 16.11.1994.

11. The land-loosers/claimants, not being satisfied with the compensation so awarded by the LAO, had approached him 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 acquired by the State Government. The LAO had referred the case of the land-loosers to the Reference Court.

12. The Reference Court, after registering a reference so made by the LAO has quantified the compensation payable at the market value of Rs.40/- per

square yard for Chahi/Nehri/Gair Mumkin lands, Rs.26/- per square yard for Barani/Roshli lands and Rs.24/- per square yard for Banjar lands, respectively besides other statutory benefits by its order dated 30.11.2000.

13. Aggrieved by the order so passed by the Reference Court, the land-loosers had preferred a Regular First Appeal before the High Court. The High Court has considered the proximity of the acquired lands to the National Capital Region of Delhi and also the presence of industrial establishments in the vicinity to conclude towards the potentiality of the said lands and fixed the market value of the lands at enhanced rate of Rs.210/- per square yard uniformly for all acquired lands along with all other statutory benefits under Sections 23(1) (A), 23(2) and 28 of the Act, by order dated 05.07.2011.

14. Aggrieved by the order so passed by the High Court, the appellant-Corporation is before us in this appeal.

15. We have heard Shri Amrendra Sharan, learned senior counsel appearing for the appellant-Corporation

and Shri Permod Kohli, learned senior counsel and other respective learned counsel appearing for the claimant-respondents.

16. We have also perused the judgment(s) and order(s) passed by the High Court.

17. The High Court, in our considered opinion, has rightly taken into consideration the potentiality of the acquired lands in determination of its market value and fixed the compensation at Rs.210/- per square yard uniformly to all the acquired lands. It is settled law that a fair assessment of potentiality of the acquired lands, when led out in its most advantageous manner, is *sine qua non* for determination of their market value and thus, a requisite for calculation of justiciable compensation.

18. In the instant case, the acquired lands are proximate to the National Capital Region of Delhi, situate closer to the National Highway and have the benefit of industrial and other developing establishments in their vicinity. This indicates the enhanced

potentiality of the said lands. The same ought to have been noticed by the Reference Court while determining the compensation and therefore, in our considered view, the High Court is justified in setting aside the order passed by the Reference Court and concluding that the Reference Court was not justified in ignoring the relevant evidence available on record and awarding an unrealistic and meager compensation to the claimant-respondents herein.

19. We are of the considered opinion, the High Court has not committed any error whatsoever which would require our consideration and decision. Accordingly, the Civil Appeal is dismissed. No order as to costs.

Rest of the matters:

In view of the order passed in Civil Appeal No.4243 of 2012, all the Civil Appeals and the Special Leave Petitions tagged herein, are accordingly disposed

of in the same terms, conditions, observations and directions.

Ordered accordingly.

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

.....J.
(MADAN B. LOKUR)

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

NEW DELHI,
NOVEMBER 12, 2014.

ITEM NO.1

COURT NO.1

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). 4243/2012

H.S.I.D.C.

Appellant(s)

VERSUS

LAHRI & ORS.

Respondent(s)

WITH C.A. No. 4244/2012
(With office report)

C.A. No. 4246/2012
(With office report)

C.A. No. 4248/2012
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(With office report)

SLP(C)NO.414/2012
(With appln.(s) for c/delay in filing SLP and refiling SLP)

C.A.Nos.4227-4233/2012

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(with appln.(s) for c/delay in filing SLP)

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SLP(C) .../2013 CC No.11002

C.A.Nos.5741-5742/2012

C.A.No.5743/2012

C.A.No.9206/2012
(Impleadment)

I.A.Nos...in SLP(C)Nos.10340-10344/2014
(with appln.(s) for discharge of earlier advocate and restoration)
SLP(C)Nos.21625-21628/2012

Mr.Anil Kumar Tandale, Adv.

Mr.Siddharth Mittal, Adv.
Dr.(Mrs.)Vipin Gupta, Adv.

Mr.Dharam Bir Raj Vohra, Adv.

Mr.Jinendra Jain, Adv.

For Respondent(s) Mr.Amrendra Sharan, Sr.Adv.
Mr.Ravindra Bana, Adv.

Mr.Permod Kohli, Sr.Adv.
Mr.Sanjay Kumar Yadav, Adv.
Ms.Ammu Suresh, Adv.
Dr.Kailash Chand, Adv.
Mr.Govind Goel, Adv.
Mr.Sanjy Kr.Yadav, Adv.
Mr. Mohan Lal Sharma,Adv.
Dr. Kailash Chand,Adv.

Mr.Govind Goel, Adv.
Mr.Ankit Goel, Adv.
Mr. Mohan Lal Sharma,Adv.

Mr.Siddharth Mittal, Adv.
for Mr. S. K. Sabharwal,Adv.

Mr.Jagbir S.Malik, Adv.
Mr.K.R.Anand, Adv.
For Mr. Vivek Gupta,Adv.

Ms. T. Anamika,Adv.
Mr.M.V.K.Moorthy, Adv.
Mr.B.V.Chandan, Adv.

Mr. Anil Kumar Tandale,Adv.

Mr.Ajay Pal, Adv.

Mr.Ansar Ahmad Chaudhary, Adv.

Mr.C.D.Singh, Adv.

Mr.Manjit Singh, AAG
Ms.Nupur Choudhary, Adv.
For Mr.Kamal Mohan Gupta, Adv.

Mr.Ashok Mathur, Adv.

Mr.Himanshu Gupta, Adv.

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

Permission to file SLP(C)....2013 cc Nos.5741-5742 of 2012 is granted.

Delay in filing/refiling the Special Leave Petition(s) is condoned.

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

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

Application(s) for impleadment, if any, is allowed.

Application for discharge of advocate, if any, is allowed.

Delink C.A.No.7383 of 2013.

Application for restoration is allowed.

C.A.No.4243/2012:

The Civil Appeal is dismissed with no order as to costs, in terms of the signed order.

Rest of the matters:

The Civil Appeals as well as the Special Leave Petitions are disposed of, in the same terms, conditions, observations and directions.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

(Common signed order is placed on the file)