

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 6837-6851 OF 2009

ROOP CHAND & ANOTHER ETC. APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS RESPONDENT(S)

with

CIVIL APPEAL NOS. 1348-1352 OF 2010

JAI BHAGWAN & ANOTHER APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS RESPONDENT(S)

with

CIVIL APPEAL NOS. 1357-1360 OF 2010

RAJENDARI APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS RESPONDENT(S)
with

CIVIL APPEAL NOS. 1361-1364 OF 2010

MUKHTIAR SINGH & OTHERS APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS RESPONDENT(S)

with

CIVIL APPEAL NOS. 1365-1368 OF 2010

SHER SINGH ETC. APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

with

CIVIL APPEAL NOS. 1384-1388 OF 2010

UMED SINGH

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

with

CIVIL APPEAL NOS. 1391-1395 OF 2010

SURAJ BHAN & OTHERS

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

with

CIVIL APPEAL NOS. 1907-1915 OF 2011

RAM KANWAR (D) BY LRS. AND OTHERS ETC.

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHER ETC.

RESPONDENT(S)

with

CIVIL APPEAL NOS. 8318-8321 OF 2013
[ARISING OUT OF S.L.P. (C) NOS. 2188-2191 of 2010]

ATTAR SINGH ETC. ETC.

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS ETC.

RESPONDENT(S)

with

CIVIL APPEAL Nos. 2561-2566 OF 2010

MAHA SINGH ETC.

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

with

CIVIL APPEAL No. 6037 OF 2010

DIGH RAM

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

with

CIVIL APPEAL Nos. 7343-7347 OF 2009

HOSHIYAR SINGH (D) THR. LRS. & ORS. ETC.

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS ETC.

RESPONDENT(S)

with

CIVIL APPEAL NOS. 8322-8327 OF 2013
[ARISING OUT OF S.L.P. (C) NOS. 7746-7751 OF 2010]

AZAD SINGH

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

with

CIVIL APPEAL NOS. 910-982 OF 2011

DEVINDER SINGH & OTHERS

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

with
CIVIL APPEAL Nos. 993-1005 OF 2011

BALBIR SINGH (D) THR. LRS. APPELLANT(S)
VERSUS
STATE OF HARYANA AND OTHERS RESPONDENT(S)

with
CIVIL APPEAL No. 1013 OF 2011

OM WATI & OTHERS APPELLANT(S)
VERSUS
STATE OF HARYANA AND OTHERS RESPONDENT(S)

with
CIVIL APPEAL Nos. 8328-8330 OF 2013
[ARISING OUT OF S.L.P. (C) NOS. 15105-15107 OF 2010]

MANGE RAM AND ANOTHER ETC. APPELLANT(S)
VERSUS
STATE OF HARYANA AND OTHERS RESPONDENT(S)

with
CIVIL APPEAL No. 6929 OF 2013

PREM RATHEE AND OTHERS APPELLANT(S)
VERSUS
STATE OF HARYANA AND OTHERS RESPONDENT(S)

with
CIVIL APPEAL No. 6930 OF 2013

PARMESHWARI & OTHERS

APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

with
CIVIL APPEAL No. 6931 OF 2013

DHARA SINGH (D) THR. LRS. AND OTHERS.
VERSUS

APPELLANT(S)

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

with
CIVIL APPEAL NOS. 8331-8332 OF 2013
[ARISING OUT OF S.L.P. (C) NOS. 12076-12077 OF 2011]

SHANTI & OTHERS ETC. ETC.

VERSUS

APPELLANT(S)

STATE OF HARYANA AND OTHERS

RESPONDENT(S)

O R D E R

Delay condoned.

2. Permission to file special leave petitions is granted in S.L.P. (C) Nos. 2188-2191 of 2010.

3. Applications for substitution allowed in Civil Appeal Nos. 8318-21 of 2013 and 910-982 of 2011. Legal representatives of deceased appellant - Karan Singh in Civil Appeal Nos. 8318-8321 of 2013 and deceased appellant - Daya Nand in Civil Appeal Nos. 969 of 2011 (C.A. Nos. 910-982 of 2011) are brought on record.

4. Leave granted.

5. These appeals, by special leave, are at the instance of the expropriated owners to be referred hereinafter as "claimants". They are aggrieved by the judgment of the High Court for inadequate enhancement of the compensation.

6. The brief facts are as these: On 12.5.1995, a notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was issued proposing to acquire a large chunk of land ad-measuring more than 445 acres situate in Bahadurgarh Estate, Haryana. The declaration under Section 6 of the Act was made by the State Government on 10.5.1996 for an area ad-measuring 445.62 acres. The Land Acquisition Collector passed the award being award No. 1 on 24.4.1998 in respect of the compulsory acquisition of 443.51 acres of land. He awarded Rs. 6 lakhs per acre for the land situate on Bahadurgarh-Delhi Road up to 3 acres; Rs. 4 lakhs per acre for the land situate on Bahadurgarh-Najafgarh Road up to 3 acres; Rs. 2.50 lakhs per acre for Nehri & Chahi lands and Rs. 2 lakhs per acre for Barni & other lands.

7. Dissatisfied with the award of the Land Acquisition Collector, the claimants sought reference which were finally filed in the court of Additional District Judge, Jhajjar. The reference court passed the judgment and decree in those references on 30.9.2004 enhancing the compensation to Rs. 6.50 lakhs per acre for the land situate on Bahadurgarh-Delhi Road up to 3 acres; Rs. 4.50 lakhs per acre for the land situate on Bahadurgarh-Najafgarh Road up to 3 acres; Rs. 3 lakhs per acre for Nehri & Chahi lands and Rs. 2.50 lakhs per are for Barni & other lands. It is pertinent to notice here that before the reference court, the claimants let in oral evidence and also produced documentary evidence including sale deeds Ex. P-12 dated 22.4.1993 and Ex. P-13 dated 28.2.1989. They also produced allotment letters Ex. P-30 and P-31 dated 19.1.1993. The reference court, however, found that these four documents were not of much help being not comparable and did not act on these documents.

8. The claimants as well as the State Government were dissatisfied with the judgment and decree of the reference court and challenged the same before the High Court in the first appeals. The Single Judge of the High Court dismissed the appeals of the State Government and partly allowed the appeals of the claimants. The High Court enhanced the compensation to Rs. 150 per square yard (Rs. 7,26,000/- per acre) for the land situate on Delhi-Hissar Road up to 3 acres; Rs. 100 square yard (Rs. 4,84,000/- per acre) for the land situate on Bahadurgarh-Najafgarh Road up to 3 acres; and for rest of the land, Rs. 65 per square yard (Rs. 3,14,600/- per acre). It is from this judgment of the High Court that the present appeals, by special leave, have arisen.

9. Mr. Nidhesh Gupta, learned senior counsel for the appellants has challenged the judgment of the High Court principally on three grounds: (i) the sale deeds and the allotment letters provided sufficient comparable basis to the High Court for determination of the market value of the subject land as the lands were quite similarly situated but the High Court erroneously rejected Ex. P-12, P-13, P-30 and P-31, (ii) belting of the subject land was wrongly applied and (iii) potentiality of the subject land has been all together ignored.

10. It appears from the record before us that on behalf of the State Government, the statement of case in Civil Appeal Nos. 6837-6851 of 2009 has been filed before this Court as required by the Supreme Court Rules. In the statement of case, it is admitted by the State Government that the subject land is a big chunk of land having potential value to be developed as residential and commercial area. It is also stated therein that the acquired piece of land is surrounded on the north side by National Highway No. 10, on the southern side by Bahadurgarh-Nazafgarh Road, on eastern side by Modern Industrial Estate and on the western side by residential area.

It is further stated in the statement of case that there is potentiality of entire land for being developed for residential and commercial purposes uniformly and the entire land is situated in well defined and developed blocks. So, the market value has to be assessed on that basis and not on the basis of its being agricultural land. However, it is also stated that bifurcation of land into belts for the purpose of awarding compensation is justified.

11. When it is the admitted case of the State Government that there is potentiality of entire land for being developed for residential and commercial purposes uniformly and the entire land

is situated in the well defined and developed blocks, in our opinion, the High Court needs to examine this aspect which is necessary for determination of market value of the acquired land.

12. Since, in our view, the High Court needs to reconsider the matters afresh having regard to the position taken by the State Government in the statement of case before this Court and also the contentions advanced on behalf of the claimants which we have noted above, we do not think that it is appropriate for us to deal with the diverse arguments.

13. We, accordingly, allow these appeals, set-aside the impugned judgment and decree and restore R.F.A.Nos.8, 9, 10, 11, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 46 47, 48, 50, 51, 52, 53, 110, 112, 113, 114, 115, 116, 117, 120, 121, 144, 172, 173, 174, 176, 177, 178, 179, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 192, 193, 195, 196, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 219, 220, 221, 222, 223, 224, 231, 274, 276, 277, 283, 284, 285, 287, 288, 347, 349, 393, 395, 401, 402, 403, 407, 409, 410, 412, 413, 434, 453, 488, 489, 490, 491, 492, 493, 494, 508, 552, 553, 554, 576, 601, 610, 611, 612,654,657, 658, 660, 661, 662, 663, 664, 666, 667, 668, 672, 673,707, 708, 709, 719, 720, 754, 755, 760, 776, 958, 1117, 1119, 1203, 1206, 1293, 1294, 1295, 1296, 1402, 1529, 1530, 1745 of 2005 and 3005 of 2008 to the file of the High Court for fresh hearing and consideration in accordance with law as expeditiously as may be possible. No costs.

.....J.
(R.M. LODHA)

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

NEW DELHI;
SEPTEMBER 18, 2013.

.....J.
(KURIAN JOSEPH)

ITEM NO.101

COURT NO.3

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). 6837-6851 OF 2009

ROOP CHAND & ANR. ETC.

Appellant (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and with office report)

WITH

C.A.No.1348-1352/2010
(With Office Report)

C.A.No.1357-1360/2010
(With office report)

C.A.No.1361-1364/2010
(With office report)

C.A.No.1365-1368/2010
(With office report)

C.A.No.1384-1388/2010
(With office report)

C.A.No.1391-1395/2010
(With office report)

C.A.No.1907-1915/2011 &
SLP(C)No.2188-2191/2010
(With Appl.(s) for c/delay in filing substitution appln. and substitution and with office report)

C.A.No.2561-2566/2010
(With Appl.(s) for permission to file SLP and with office report)

C.A.No.6037/2010

C.A.No.7343-7347/2009

SLP(C)No.7746-7751/2010
(With Office Report)

C.A.No.9807/2010

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C.A.No.9808/2010
(With Office Report)

C.A.No.910-982/2011
[with appln. for substitution and exemption from filing OT)

C.A.No.993-1005/2011

C.A.No.1013/2011

SLP (C) 15105-15107/2010

[with office report)

CA 6929/2013

CA 6930/2013

CA 6931/2013

SLP (C) Nos. 12076-12077 of 2011

[with appln. for c/delay in filing SLP and with office report)

Date: 18/09/2013 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Appellant(s)

CA 6737-6851

Mr. Nidhesh Gupta, Sr. Adv.

Mr. Somvir Singh Deswal, Adv.

Mr. Satbir Singh Pillania, Adv.

Mr. Shree Pal Singh, Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

Mrs. Lalita Kaushik, Adv.

Mr. Nidhesh Gupta, Sr. Adv.

Mr. S.R. Sharma, Adv.

Mr. Tarun Gupta, Adv.

Mr. M.K. Ghosh, Adv.

Ms. S. Janani, Adv.

Mr. Nidhesh Gupta, Sr. Adv.

Mr. Somvir Singh, Adv.

Mr. Satbir Singh, Adv.

Dr. Sushil Balwada, Adv.

Mr. B.S. Mann, Adv.

Mr. Aditya Singh, Adv.

Mr. M.A. Chinnasamy, Adv.

Dr. Sushil Balwada, Adv.

Mr. N.S. Dalal, Adv.

Mr. D.P. Singh, Adv.

: 3 :

Mr. R.C. Kaushik, Adv.

For Respondent(s)

Mr. Kamal Mohan Gupta, Adv.

CA 6837-51

Dr. Monika Gusain, Adv.

SLP 12076 & CA 6037

Ms. Anubha Agarwal, Adv.

Dr. Monika Gusain, Adv.

Mr. Ambuj Agarwal, Adv.

Mr. Ajay Pal, Adv.

Mr. Govind Goel, Adv.

Mr. Mohan Lal Sharma, Adv.

Mr. S.K. Yadav, Adv.

Mr. Ankit Goel, Adv.

Mr. Naresh Kaushik, Adv.

Mr. Sanjeev K. Bhardwaj, Adv.

Mr. V. Kaushik, Adv.

Mrs Lalita Kaushik, Adv.

Mr. Shivendra Dwivedi, Adv.

Ms. R. Mor, Adv.

Mr. Rajesh Mahale, Adv.

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

C.A. Nos. 9807 of 2010 and 9808 of 2010:

These matters are de-tagged from this group of matters.

REMAINING MATTERS:

Delay condoned.

Leave granted.

Appeals are allowed in terms of signed order. No costs.

Pending I.A(s)., if any, stand disposed of.

[Pardeep Kumar]
Court Master

[Renu Diwan]
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]