

REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7657 OF 2012

RANJIT SINGH &amp; ANR.

APPELLANT(S)

VERSUS

STATE OF HARYANA &amp; ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NOS. 7680-7681 OF 2012

REHTI DEVI (D) THR.LRS. ETC.

APPELLANT(S)

VERSUS

STATE OF HARYANA &amp; ANR.

RESPONDENT(S)

CIVIL APPEAL NO. 7691 OF 2012

PRITHI SINGH

APPELLANT(S)

VERSUS

STATE OF HARYANA &amp; ANR.

RESPONDENT(S)

CIVIL APPEAL NO. 8924 OF 2012

SAT PAL CHOPRA &amp; ORS.

APPELLANT(S)

VERSUS

STATE OF HARYANA &amp; ANR.

RESPONDENT(S)

CIVIL APPEAL NO. 7661 OF 2012

Signature Not Verified

Digitally signed by

DALEL RAM

NEETU KHAJURIA

Date: 2014.08.07

18:07:06 IST

APPELLANT(S)

Reason:

VERSUS

STATE OF HARYANA &amp; ANR.

RESPONDENT(S)

C.A.No.7657 of 2012 etc.

2

CIVIL APPEAL NO. 7660 OF 2012

BRIJ MOHAN &amp; ANR.

APPELLANT(S)

VERSUS

STATE OF HARYANA &amp; ANR.

RESPONDENT(S)

CIVIL APPEAL NO. 7675 OF 2012

DEVINDER SINGH BALI APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR. RESPONDENT(S)

CIVIL APPEAL NO. 7676 OF 2012

SURINDER KUMAR BALI APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR. RESPONDENT(S)

CIVIL APPEAL NO. 7678 OF 2012

ARUNA APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR. RESPONDENT(S)

CIVIL APPEAL NO. 7679 OF 2012

JAI PAL & ORS. APPELLANT(S)

VERSUS

STATE OF HARYANA & ORS. RESPONDENT(S)

C.A.No.7657 of 2012 etc.

3

CIVIL APPEAL NOS. 7658-7659 OF 2012

GURDIP SINGH(D) THROUGH LRS. APPELLANT(S)

VERSUS

HARYANA STATE THROUGH COLLECTOR & ORS. RESPONDENT(S)

CIVIL APPEAL NOS. 7684-7688 OF 2012

SIRI RAM & ANR. APPELLANT(S)

VERSUS

HARYANA STATE THROUGH COLLECTOR & ORS. RESPONDENT(S)

CIVIL APPEAL NO. 7662 OF 2012

HARJIT SINGH APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR. RESPONDENT(S)

CIVIL APPEAL NO. 7683 OF 2012

UJJAL SINGH(D) THROUGH LRS. APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR. RESPONDENT(S)

CIVIL APPEAL NO. 7689 OF 2012

JAI SINGH(DEAD)THROUGH LRS.& ORS. APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR.  
C.A.No.7657 of 2012 etc.

RESPONDENT(S)

4

CIVIL APPEAL NO. 7690 OF 2012

RAM GOPAL (D) THROUGH LRS.& ORS.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ORS.

RESPONDENT(S)

CIVIL APPEAL NO. 7692 OF 2012

SUMER CHAND (D) BY LRS.& ORS.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR.

RESPONDENT(S)

CIVIL APPEAL NO. 7663 OF 2012

RISALA (D) BY LRS.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR.

RESPONDENT(S)

CIVIL APPEAL NOS. 250-256 OF 2013

RAGHBIR SINGH & ORS.ETC.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR. ETC.

RESPONDENT(S)

CIVIL APPEAL NO.7385 OF 2014  
(Arising out of SLP(C) NO. 22324 OF 2013)

RAJ KUMAR @ VIJAY KUMAR

APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR.  
C.A.No.7657 of 2012 etc.

RESPONDENT(S)

5

CIVIL APPEAL NO.7386 OF 2014  
(Arising out of S.L.P.(C)No.21298/2014 @ CC NO.12129/2013)

VED PRAKASH(D) THROUGH LRS. & ORS.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR.

RESPONDENT(S)

CIVIL APPEAL NO.7387 OF 2014  
(Arising out of SLP(C) NO. 5405 OF 2014)

BALWAN SINGH(D) THROUGH LRS. & ORS.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR

RESPONDENT(S)

CIVIL APPEAL NO.7388 OF 2014

RANJIT SINGH (D) THROUGH LRS & ORS.

APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR

RESPONDENT(S)

J U D G M E N T

R.M. LODHA, CJI

Delay in filing applications for substitution is condoned.

2. Applications for substitution are allowed.

3. Permission to file special leave petitions is granted.

4. Delay in filing the special leave petitions is condoned.

C.A.No.7657 of 2012 etc.

6

5. Leave granted in SLP(C) Nos. 22324 of 2013, 5405 of 2014, 16788 of 2014 and S.L.P.(C)@ CC NO. 12129 of 2013.

6. In this group of appeals, the question for consideration is whether there is any scope for enhancement of compensation with regard to the subject lands.

7. The subject lands pertain to five different notifications published on 04.06.1980, 13.03.1981, 22.06.1982, 05.07,1982 and 10.02.1983 and are located in Sectors 3, 6, 7, 8, 9 and 12 Part-I near Karnal bypass and so also Karnal Kunjpura Road.

8. Learned senior counsel and learned counsel appearing for many of the appellants heavily relied upon the decision of this Court in the group of matters, lead matter being Civil Appeal No.2187 of 2013 arising from Petition for Special Leave to Appeal (Civil) No.17615 of 2008, 'Subhash Chander & Ors. v. State of Haryana & Anr.' given on 19.02.2013. They submitted that matter in Subhash

Chander's case (supra) pertains to four notifications dated 04.06.1980 (Sector-6), 13.03.1981 (Sector-3), 22.06.1982 (Sector 9) and C.A.No.7657 of 2012 etc. 7

05.07.1982 (Sectors-7 and 8). Most of the subject lands were acquired under the notifications which were under consideration in the matter of Subhash Chander (supra).

9. As regard notification dated 10.02.1983 (Sector 12, Part-I), learned counsel submits that the subject land therein is within the municipal area and has a better potential than the land in Sectors 3, 6, 7, 8 and 9.

10. In Subhash Chander's case (supra), this Court noted the judgment of the High Court to the following extent:-

"In absence of sufficient material of comparable rates, the market price can be determined by periodical increase formula approved by the Apex Court in the case of Sahaswan, District Baduan (supra). If the formula approved by the Apex Court in Shaswan, District Baduan (supra) is to be applied with 1973 year as the base, the market value of the land in the year 1980 comes to Rs.58.45/-, in the year 1981 comes to Rs.66.21/- and in the year 1982 comes to Rs.76.21/-. The land being big chunk, 1/3rd of the development purposes, for roads, parks and public utilities.

C.A.No.7657 of 2012 etc.

8

Therefore, the rate per square yard comes to Rs.39.17/- as on the date of notification dated 4.6.1980 and Rs.44.37/- per square as on the date of notification dated 13.3.1981 and at Rs.51.07/- per square yard as on the dates of notifications dated 22.6.1982 and 5.7.1982. Accordingly, the market price of the land under different acquisition notifications is assessed at Rs.39/- per square yard in respect to land acquired for Sector 6 (represented by notification dated 4.6.1980) and Rs.44/- for Sector 3 (represented by the notification dated 22.6.1982 and 5.7.1982). These appeals are accordingly allowed with costs and respondents are directed to calculate the compensation for the acquired land at the above rates. The appellants are also entitled to solatium and interest as

determined by the Reference Court  
amount determined herein."

on the

11. As per Subhash Chander's decision, the market value of the land in the year 1980 was determined at Rs.58.45 per square yard, year 1981 at Rs.66.21 per square yard, and year 1982 at Rs.76.21 per square yard.  
C.A.No.7657 of 2012 etc. 9

12. In the Civil Appeal arising out of Special Leave Petition (Civil) No. 22324 of 2013, learned counsel for the appellant placed before us a list of dates, which refers to a sale deed (Exhibit P-6) dated 09.04.1980 for sale of 15 bighas for Gurudwara on G.T. Karnal Road Bypass, at the rate of Rs.35,000/- per bigha, i.e, at the rate of Rs.46.54 per square yard. The acquisition of land pursuant to the notification dated 04.06.1980 is in very close proximity with the sale deed dated 09.04.1980. If that is taken as a comparable exemplar for determination of market value for the land acquired under notification dated 04.06.1980, the market value of the land comes to Rs.46.54 per square yard. However, as per the judgment of this Court in Subhash Chander's case (supra), the market value in the year 1980 is determined at Rs.58.45. It is pertinent to note here that the Single Judge determined the market value of the subject lands by applying the principles laid down by this Court in the case of "Krishi Utpadan Mandi Samiti, Sahaswan, District Badaun through its Secretary v. Bipin Kumar and Another, (2004) 2 SCC 283. He took the exemplar  
C.A.No.7657 of 2012 etc. 10

of 1973 as the base and then gave increase of 15% per year and then applied cut of 1/3 rd price for development purposes, roads, parks and public

utilities. This Court although maintained the order of the Single Judge insofar as he took the exemplar of 1973 as the base and yearly increase but found no justification for cut for development purposes and such other considerations. Be that as it may, since the State has not chosen to challenge the impugned judgment, we are satisfied that the market value determined by this Court in Subhash Chander's case (supra) may be applied to the land acquired under the notifications dated 04.06.1980, 13.03.1981, 22.06.1982 and 05.07.1982. We order accordingly.

13. As regards, the acquisition of subject lands acquired under the notification dated 10.02.1983, Mr. M.K. Dua, learned counsel for the appellants raises two points for appropriate determination of market value, (one) the land acquired has better potential being located in the urban area and (two) the annual increase of 1983 must be given. We are not persuaded by Mr. Dua's

arguments. Coming to the second point first, it may  
C.A.No.7657 of 2012 etc. 11

be immediately stated that annual increase for a fraction of a year would not be ordinarily just for determination of the market value. As regards the first point raised by Mr. Dua, suffice it to say that land under acquisition is a large tract of land and except that the subject land happens to fall in the municipal area, there is not much difference in the potentiality of the land acquired under the notification of 05.07.1982 and the subject lands. Having regard to all these aspects, we are satisfied that market value of the land acquired under the notification dated 10.02.1983 must have parity with the market value of the land acquired under the

notification of 05.07.1982.

14. Consequently, the market value of the land under the notification dated 04.06.1980 is fixed at Rs.58.45 per square yard, Rs.66.21 per square yard for the land under notification dated 13.03.1981, Rs.76.21 for the land acquired under the notifications dated 22.06.1982, 05.07.1982 and 10.02.1983. We, accordingly, enhance the compensation awarded by the High Court to the above extent.

C.A.No.7657 of 2012 etc. 12

15. The appellants who have approached this Court beyond one year of the impugned judgment shall not be entitled to any interest for the period of delay. The appellants shall be entitled to statutory benefits on the enhanced compensation. The differential amount shall be paid by the respondents to the appellants within two months from the date of receipt of the judgment of this Court.

16. The appeals are allowed as above with no order as to costs.

17. Civil Appeal Nos.7660 of 2012 and 7662 of 2012 are detagged from this group of matters.

.....CJI.  
( R.M. LODHA )

.....J.  
( J.CHELAMESWAR )

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

NEW DELHI;  
JULY 31, 2014  
C.A.No.7657 of 2012 etc. 13

ITEM NO.101 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). 7657 OF 2012

RANJIT SINGH & ANR. Appellant(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With Office report)

WITH

CIVIL APPEAL No. 7680-7681 OF 2012

(With office report)

CIVIL APPEAL No. 7691 OF 2012

(With office report)

CIVIL APPEAL No. 8924 OF 2012

(With office report)

CIVIL APPEAL No. 7661 OF 2012

(With office report)

CIVIL APPEAL No. 7660 OF 2012

(With office report)

CIVIL APPEAL No. 7675 OF 2012

(With office report)

CIVIL APPEAL No. 7676 OF 2012

(With office report)

CIVIL APPEAL No. 7678 OF 2012

(With office report)

CIVIL APPEAL No. 7679 OF 2012

(With office report)

CIVIL APPEAL No. 7658-7659 OF 2012

(With office report)

CIVIL APPEAL No. 7684-7688 OF 2012

(With office report)

C.A.No.7657 of 2012 etc.

14

CIVIL APPEAL No. 7662 OF 2012

(With office report)

CIVIL APPEAL No. 7683 OF 2012

(With office report)

CIVIL APPEAL No. 7689 OF 2012

(With office report)

CIVIL APPEAL No. 7690 OF 2012

(With office report)

CIVIL APPEAL No. 7692 OF 2012

(With office report)

CIVIL APPEAL No. 7663 OF 2012

(With office report)

CIVIL APPEAL No. 250-256 OF 2013

(With prayer for interim relief and office report)

SLP(C) No. 22324 OF 2013

(With office report)

S.L.P.(C)...CC No. 12129 OF 2013

(With office report)

SLP(C) No. 5405 OF 2014  
(With office report)

SLP(C) No. 16788 OF 2014  
(With appln.(s) for permission to file SLP and substitution and  
c/delay in filing slp and Office Report)

Date : 31/07/2014 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE A.K. SIKRI

For Appellant(s) Mr. V.K. Jhanji, Sr. Adv.  
Mr. D.S. Bali, Sr. Adv.  
Mr. Rajesh Sharma, Adv.  
Ms. Shalu Sharma, Adv.

Mr. Rajiv Kumar, Adv.  
Mr. Dinesh Verma, Adv.  
Mr. Prabhoo Dayal Tiwari, Adv.

C.A.No.7657 of 2012 etc.

15

For Dr. Kailash Chand, Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

Mr. M. K. Dua, Adv.

Mr. Punit Dutt Tyagi, Adv.  
Mr. Ajay Chaudhary, Adv.

Mr. Naveen Kumar Chauhan, Adv.  
Mr. Avneesh Garg, Adv.  
Mr. Abhik Kumar, Adv.  
Mr. Rahul Singh Chauhan, Adv.  
For Mr. Praveen Swarup, Adv.

Mr. Mohan Pandey, Adv.

Mr. Shree Pal Singh, Adv.

Mr. Naveen Kumar Chauhan, Adv.  
Mr. Abhik, Adv.  
Mr. R.S. Chauhan, Adv.  
Mr. Avneesh Garg, Adv.  
Dr. Sushil Balwada, Adv.

Mr. Ajay Singh, Adv.  
Dr. Sushil Balwada, Adv.

Mr. Aribam Guneshwar Sharma, Adv.

Ms. Arna Das, Adv.  
Mr. Rameshwar Prasad Goyal, Adv.

Mr. Ajay Choudhary, Adv.

Mr. Jasbir Singh Malik, Adv.  
Mr. S. K. Sabharwal, Adv.

Mr. Prabhoo Dayal Tiwari, Adv.  
Mr. Rajiv Kumar, Adv.  
Mr. Dinesh Verma, Adv.

For Respondent(s) Mr. Narender Hooda, Sr. AAG  
Mr. Vikas Sharan, AAG  
Mr. Ankit Swarup, Adv.

Mr. Kamal Mohan Gupta, Adv.

Dr. Monika Gusain, Adv.

C.A.No.7657 of 2012 etc.

16

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

Civil Appeal Nos.7660 of 2012 and 7662 of 2012 are  
detagged from this group of matters.

Delay in filing applications for substitution is  
condoned.

Applications for substitution are allowed.

Permission to file special leave petitions is  
granted.

Delay in filing the special leave petitions is  
condoned.

Leave granted in SLP(C) Nos. 22324 of 2013, 5405 of  
2014, 16788 of 2014 and S.L.P.(C)@ CC NO. 12129 of 2013.

The appeals are allowed in terms of the signed  
reportable judgment.

Pending IAs, if any, also stand disposed of.

(Neetu Khajuria)  
Sr.P.A.

(Renu Diwan)  
Court Master

(Signed reportable judgment is placed on the file.)