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C.A.No. 7706 OF 1995
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ITEM NO.106 COURT No.5 SECTION XI

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.7706/1995@@
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Lucknow Dev. Atty. Appellant (s)

VERSUS

Vidya Devi & Ors. Respondent (s)

(With appln. for permission to submit additional documents &
office report)

Date : 17/01/2002 This appeal/appeals was/were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHAN

For Appellant (s) Mr. Umesh Chandra, Sr. Adv.
Mr. Krishan Chandra, Adv.
Mr. Assem Chandra, Adv.
Mr. Shakil Ahmed Syed, Adv.

For Respondent (s) Mr. Sunil Kumar Jain, Adv.
No.1

No.2 Mr. Vivek Singh, Adv. for
Mr. Ashok K. Srivastava, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.
Mr. Umesh Chandra, learned senior counsel
appearing for the appellant started his arguments at
11.30 a.m. and concluded at 12.25 p.m. Thereafter, Mr.
Sunil Kr. Jain, learned counsel appearing for respondent
No.1 made his submissions for five minutes. Then Mr.
Umesh Chandra made his replied submissions for five
minutes. Hearing concluded. The Court dictated an order
dismissing the appeal with no order as to costs.

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(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7706 OF 1995

Lucknow Development Authority

.. Appellant

-versus-

Vidya Devi and others

.. Respondents

O R D E R

The appellant before us is the Lucknow Development Authority constituted under the U.P. Urban Planning and Development Act, 1973. In the year 1985, land measuring of 15 Bighas situated in village Bhaddrukh, Pargana, Tehsil & Distt. Lucknow was sought to be acquired for widening of Lucknow-Kanpur Road and City Extension Scheme (Part 4). For that purpose, the State Government issued a Notification under Section 4 of the Land Acquisition Act on 11.12.1985 proposing to acquire the aforesaid land. This was followed by a declaration under Section 6 of the Act issued on 9.1.1986. On 3.2.1987, the possession of the land was taken by the Land Acquisition Officer. On 8.1.1988, the Special Land Acquisition Officer gave an award for the acquired land. The Land Acquisition Officer awarded different rates of compensation depending upon the number of pits and depth of pits in the land acquired. It varied from Rs. 1.72 per sq. ft. to Re. 0.69 per sq. ft. The claimants were not satisfied with the award of compensation for the acquired land and, therefore, they sought reference before the Civil Court. The Civil Court enhanced the compensation to Rs. 3.76 per sq. ft. against Rs. 1.72, Rs. 2.22 per sq. ft. against Rs. 1.03 per sq. ft. and Rs. 1.84 per sq. ft. against Re. 0.69 per sq. ft. by judgment dated 6.6.1991. Aggrieved, the Lucknow Development Authority preferred Regular First Appeal before the High Court at Allahabad, Lucknow Bench. The claimants were not also satisfied with the enhanced compensation and as such they filed cross objections. Both the matters were taken up by the High Court and after hearing the parties, the High Court awarded uniform rate of compensation for the entire land @ Rs. 4.50 per sq. ft. It is against the said judgment of the High Court, the appellant has preferred this appeal.

Shri Umesh Chandra, learned senior counsel appearing for the appellant urged that the High Court once has taken into consideration the escalated price of the land from 16.11.1983 to 4.8.1984, it was not permissible to add further escalation in price of the land with effect from 4.8.1984 to the date of Notification issued under Section 4 of the Act, while determining the market value of the acquired land. We do not find any merit in the argument. The claimants filed three sale deeds which were exhibited on record. The first sale deed dated 16.11.1983 was executed by one Barati Das in favour of Mairu in respect of 1 Biswas 19 Biswanis of land of plot No. 402. The sale consideration shown in the sale deed was at the rate of Rs. 1.05 per sq. ft. The second sale deed dated 29.11.1983 was executed by Barati Das in favour of Sunder Prasad for an area of 3 Biswas of land of plot No. 402. The sale consideration shown in the said sale deed was also Rs. 1.05 per sq. ft. However, the third sale deed dated 4.8.1984 which was executed by Maiku in favour of Jugul Kishore in respect of 2 Biswas of land of plot No. 408, the sale consideration shown therein was at the rate of Rs. 4.78 per sq. ft. The High Court, on the basis of evidence, found that there was escalation in the price of land nearly 400 per cent within nine months

from 29.11.1983 to 4.8.1984. The High Court on evidence found that the acquired land is quite close to Jail Road and big residential scheme of Lucknow Development Authority known as Kanpur Road Scheme. Further the most prestigious Sanjay Gandhi Post-Graduate Institute of Medical Sciences is also very close to it. In its vicinity are situated Power House and Hydly Colony and by the side of the acquired land there is a pucca Bangla Bazar Road. The High Court was further of the view that the acquired land had a potential of development for building constructions. From the evidence on record the High Court concluded that there was trend of further escalation in prices of land during the period between the third sale deed dated 4.8.1984 and 11.12.1985 when the notification under Section 4 of the Act was issued. In that view of the matter, the High Court added only 40% of 400% of escalation in the price of land between that period and on that basis arrived at the market value of the acquired land which was Rs. 6.69 per sq. ft. The High Court further deducted 1/3 of the amount from the market value of the land keeping in view a large area was sought to be acquired and also the development which the appellatant was to carry out. After deduction of 1/3, the market value of the acquired land came to Rs. 4.50 per sq. ft. In that view of the matter, we do not find that the principle adopted by the High Court in arriving at the market price of the acquired land was, in any way, erroneous.

For the aforesaid reasons, we do not find any merit in this appeal. The appeal fails and is accordingly dismissed. There shall be no order as to costs.

& & & & & & & .J.
(V. N. Khare)

& & & & & & & J.
(Ashok Bhan)

New Delhi;
January 17, 2002

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