

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.805 OF 2007

PREM CHAND (DEAD) BY LRS.

...APPELLANT(S)

VERSUS

LAND ACQUISITION OFFICER,
PATIALA & ORS.

...RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in Regular First Appeal No.647 of 1982, dated 14.01.2004, whereby the High Court has partly allowed the Regular First Appeal filed by the appellants and has enhanced the value of the land and fixed the same at Rs.666/- per marla.

2. The facts, in brief, are: The Government of Punjab issued a notification, under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), for the acquisition of land admeasuring 41 kanals and 19 marlas situated in village Phagwara Sharki, District Kapurthala for the Punjab State Electricity Board for public purpose, dated 09.08.1976. The same was followed by a declaration, under Section 6 of the Act, dated 03.06.1977.

3. The Land Acquisition Collector (for short, "the LAC") passed an award, dated 21.02.1978, ascertaining compensation at the rate of Rs.140/- per marla.

4. Dissatisfied with the award passed by the LAC, the appellants-herein sought for a reference under Section 18 of the Act before the Additional District Judge, Kapurthala. After recording the evidence and considering the material on record, the Additional District Judge maintained the rate of the land at Rs.140/- per marla and dismissed the application for enhancement of compensation.

5. Aggrieved by the same, the appellants filed Regular First Appeal before the High Court seeking enhancement of compensation.

6. The appellants relied on various sale deeds pertaining to the land in the same village, which belonged to the land owners, where the average sale price was determined to be Rs.1000/- per marla. The High Court has partly allowed the Regular First Appeal filed by the appellants and enhanced the value of the land in question to Rs.666/- per marla along with statutory benefits and interest, by applying a cut of 33 per cent on the value of the land in the aforementioned sale deeds.

7. We have heard learned counsel for the parties to the *lis* and carefully perused the records.

8. In the peculiar facts and circumstances of this case, we are of the considered opinion that the amount awarded by the High Court be further enhanced by a sum of Rs.34/- per marla.

9. Accordingly, we modify the judgment and order passed by the High Court. The appellants are now entitled for a total

compensation of Rs.700/- per marla along with statutory benefits,
from the date of the order passed by the High Court.

10. This Civil Appeal is allowed to the extent indicated
above. No order as to costs.

Ordered accordingly.

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

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI;
MAY 13, 2015.

ITEM NO.106

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). 805/2007

PREM CHAND (DEAD) BY LRS.

Appellant(s)

VERSUS

LAND ACQUISITION OFFICER PATIALA & ORS

Respondent(s)

(with appln. (s) for exemption from filing O.T. and office report)

Date : 13/05/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROYFor Appellant(s) Mr.K.G.Bhagat, Adv.
Ms.Divya Shukla, Adv.
For Mr. Vineet Bhagat,Adv.For Respondent(s) Mr.Kuldip Singh, Adv.
Mr. Jagjit Singh Chhabra,Adv.(NP)
Mr. Mohinder J.S.Rupal,Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeal is allowed to the extend indicated in the
order with no order as to costs, in terms of the signed order.(G.V.Ramana)
AR-cum-PS
(Signed order is placed on the file)(Vinod Kulvi)
Asstt.Registrar