

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1363 OF 2011

BIMLA RANI

...APPELLANT(S)

VERSUS

STATE OF HARYANA & ANR.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO. 1423 OF 2011

CIVIL APPEAL NO. 1514 OF 2012

CIVIL APPEAL NO. 1621 OF 2012

CIVIL APPEAL NO. 1999 OF 2012

CIVIL APPEAL NO. 6248 OF 2012

CIVIL APPEAL NO. 6249 OF 2012

CIVIL APPEAL NO. 6250 OF 2012

CIVIL APPEAL NO. 6251 OF 2012

CIVIL APPEAL NO. 6252 OF 2012

CIVIL APPEAL NO. 6354 OF 2012

CIVIL APPEAL NO. 6355 OF 2012

Signature Not Verified

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NEETU KHAJURIA
Date: 2014.12.20

CIVIL APPEAL NO. 6356 OF 2012

11:36:19 IST
Reason:

CIVIL APPEAL NO. 6357 OF 2012

CIVIL APPEAL NO. 6361 OF 2012

CIVIL APPEAL NO. 6362 OF 2012

CIVIL APPEAL NO. 6894 OF 2012

CIVIL APPEAL NO. 7265 OF 2012

CIVIL APPEAL NO. 7531 OF 2012

CIVIL APPEAL NO. 8812 OF 2012

SPECIAL LEAVE PETITION (C) NO(S).22441 OF 2013

SPECIAL LEAVE PETITION (C) NO(S).22442 OF 2013

SPECIAL LEAVE PETITION (C)...CC NO(S).22535 OF 2013

SPECIAL LEAVE PETITION (C) NO(S). 31143 OF 2013

SPECIAL LEAVE PETITION (C) NO(S). 35743 OF 2013

O R D E R

1. Delay, in filing of the Special Leave Petition(s), is condoned.

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

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

4. These appeals and special² leave petitions are directed against the common judgment and order passed by the High Court of Punjab and Haryana in Letters Patent Appeal No. 688 of 2000 and connected matters, dated 17.12.2004, whereby and whereunder, the High Court had modified the judgment and order passed by the learned single Judge, dated 10.02.1999 and enhanced the compensation payable from Rs. 145/- per square yard to Rs. 147.68/- per square yard.

5. Since the factual matrix in all the appeals and special leave petitions are identical and they arise out of the common judgment and order of the High Court, for the sake of convenience, we would only notice the facts in Civil Appeal No. 1363 of 2011, arising out of Letters Patent Appeal No. 713 of 1999, while disposing of this batch of matters.

6. The short facts of this case are: the respondent-State had issued a notification under

Section 4 of the Land Acquisition Act, 1894 (for short "the Act") to acquire certain lands to the extent of 331.58 acres, including 2 acres of the land belonging to the claimant for the public purpose of development and utilization as residential and commercial area as Sector 4 Part II and Sector 5 Phase I, at Karnal, Haryana, dated 08.02.1989.

7. After due consideration of the objections filed by the claimants therein under Section 5-A of the Act, the acquiring authority had recommended issuance of a notification under Section 6 of the Act to the State Government. Accordingly, the State Government had issued a notification declaring that the land to the extent of 287.64 acres out of 331.58 acres would be acquired for the notified public purpose, dated 07.02.1990.

8. After issuance of the aforesaid notification, the Land Acquisition Officer (for short, "the LAO"), determined the compensation payable of the acquired land at the rate of Rs.2,50,000/- per acre for plain area, Rs.1,84,660/- per acre for area under Mugal Canal and Rs.2,10,796/- per acre for low lying area, by award dated 19.12.1990.

9. The claimants including the appellant herein, not being satisfied with the compensation so awarded, approached the LAO and sought for a reference under Section 18 of the Act to the Reference Court for determination of the actual

market value of the land acquired by the State Government. The LAO had referred the case of the claimants to the Reference Court. The Reference Court awarded the compensation at the rate of Rs.90/- per square yard along with an additional amount at the rate of 12% on the market value of

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the land and solatium at the rate of 30% of the market value besides interest at the rate of 9% on the enhanced amount from the date on which the LAC took the possession of lands to the date of payment of such excesses to the Court for one year and thereafter, at the rate of 15% per annum till the date of payment, by judgment and order dated 31.08.1993.

10. Aggrieved by the aforesaid determination of compensation, the claimants preferred Regular First Appeals before the learned Single Judge. The said appeals were partly allowed and the compensation awarded was enhanced from Rs.90/- per square yard to Rs.145/- per square yard alongwith all statutory benefits, by judgment and order dated 10.02.1999.

11. Dissatisfied by the aforesaid judgment and order, the claimants had approached the Division Bench of the High Court in Letters

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Patent Appeals, inter alia, questioning the consideration of sale deeds in cases of depressed sales by the learned Single Judge and consequent arithmetic error in the calculation of market value by considering average of sale transaction

consideration.

12. The Division Bench has carefully considered the market value of land arrived at by placing reliance on the seven sale deeds produced by the claimants and also the cut of 30% applied by the learned Single Judge on the average price of sale instances/awards in light of the fact that various parts of the lands in sale deeds were not identically situated. The Division Bench also noticed that since the lands in lis were different plots of land varying in size, shape and location and therefore, the learned Single Judge has correctly arrived at the market value of the lands by considering the location and development potentiality of the said lands.

However, the Division Bench accepted the contention of the claimants in respect of error in calculating the average market value of the acquired lands by the learned Single Judge, and correcting the same awarded the enhanced compensation payable at the rate of Rs.147.68/- per square yard along with all the statutory benefits.

13. We have heard the learned counsel for the parties to the lis and also perused the records.

14. In our considered opinion the Division Bench has rightly calculated the market value of the lands in the instant case by placing reliance upon the sale deeds pertaining to identical plots of lands and thereafter, applied a cut of 30% on the said market value. The said deduction rate

has been appropriately arrived at and applied to determine the compensation payable for the acquired lands herein given the purpose of acquisition, potentiality and location of the said lands. Therefore, we do not find any infirmity in the impugned judgments and orders passed by the High Court which would require our consideration and decision.

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15. Accordingly, the Civil Appeals as well as the Special Leave Petitions are dismissed.

16. In view of the dismissal of the civil appeals and special leave petitions, application(s) for intervention also stand dismissed.

.....CJI.
(H.L. DATTA)

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

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

NEW DELHI;
DECEMBER 10, 2014.

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ITEM NO.2	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).	1363/2011
BIMLA RANI		Appellant(s)
VERSUS		
STATE OF HARYANA & ANR.		Respondent(s)
(with office report)		
WITH		
C.A. No. 1423/2011		

C.A. No. 1514/2012
(With appln.(s) for permission to file additional documents)

C.A. No. 1621/2012

C.A. No. 1999/2012

C.A. No. 6248/2012

C.A. No. 6249/2012

C.A. No. 6250/2012

C.A. No. 6251/2012

C.A. No. 6252/2012

C.A. No. 6354/2012
(With Office Report)

C.A. No. 6355/2012
(With Office Report)

C.A. No. 6356/2012
(With Office Report)

C.A. No. 6357/2012
(With Office Report)

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C.A. No. 6361/2012
(With Office Report)

C.A. No. 6362/2012
(With Office Report)

C.A. No. 6894/2012
(With Office Report)

C.A. No. 7265/2012
(With Office Report)

C.A. No. 7531/2012
(With Office Report)

C.A. No. 8812/2012
(With Office Report)

SLP(C) No. 22441/2013
(With Office Report)

SLP(C) No. 22442/2013
(With appln.for permission to file addl. documents and Office Report)

S.L.P.(C)...CC No. 22535/2013
(With Office Report)

SLP(C) No. 31143/2013
(With Office Report)

SLP(C) No. 35743/2013
(With Office Report)

Date : 10/12/2014 These appeals/petitions were
called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.K. SIKRI

For Appellant(s) Mr. Punit Dutt Tyagi, Adv.

Ms. Kawaljit Kochar, Adv.
Mr. Samrat Jasra, Adv.
For Ms. Kusum Chaudhary, Adv.

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Dr. J. P. Dhanda, Adv.
Mr. Amrendra Kumar, Adv.
Mr. Amrendra Kuma Singh, Adv.
Mr. N.A. Usmani, Adv.

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

Intervener(s) Mr. V.K. Bali, Sr. Adv.
Mr. Aditya Soni, Adv.
Ms. Christine Kumar, Adv.
Mr. Ajay Choudhary, Adv.

For Respondent(s) Mr. Manjit Singh AAG.
Ms. Nupur Choudhary, Adv.
Ms. Vivekta Singh, Adv.
For Mr. Kamal Mohan Gupta, Adv.

Mr. Ankit Swarup, Adv.
Ms. Tanya Swarup, Adv.
For Dr. Monika Gusain, Adv.

Ms. Anubha Agrawal, Adv.

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

Delay, in filing of the Special Leave Petition(s), is condoned.

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

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

Civil appeals and special leave petitions are dismissed in terms of the signed order.

In view of the dismissal of the civil appeals and special leave petitions, application(s) for intervention also stand dismissed.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)

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