

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). 1936-1938 OF 2005

GOKUL CHAND & ORS. Appellant (s)

VERSUS

STATE OF HARYANA & ANR. Respondent(s)

(With office report)

WITH Civil Appeal NO. 1939-1943 of 2005
(With office report)

Date: 08/12/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. Aseem Mehrotra, Adv.s
 Mr. Abhijat P. Medh, Adv.

For Respondent(s) Rr-Ex-Parte,

 Mr. Manjit Singh, AAG (Haryana)
 Mr. Vikas Sharma, Adv.
 Mr. Kamal Mohan Gupta, Adv.

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

These appeals are allowed in part in
terms of the signed order.

(O.P. Sharma)
Court Master
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(M.S. Negi)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 1936-1938 OF 2005

Gokul Chand & Ors. ... Appellants

Vs.

State of Haryana & anr. ... Respondents

With

Civil Appeal No. 1939-1943 of 2005

Dayanand & Ors.

... Appellants

Vs.

State of Haryana & anr.

... Respondents

O R D E R

These appeals relate to acquisition of lands in Jharsa village for the public purpose of residential and institutional area (Sector 32, Gurgaon) under preliminary notification dated 28.8.1987 and final notification dated 25.8.1988.

Re: C.A.1936-1938/2005

2. In the first batch of appeals, the Land Acquisition
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Collector awarded compensation at different rates for different categories of lands. The Reference Court, by judgment dated 14.1.1994, awarded compensation at the rate of Rs.272/- per sq.yd. (or Rs.13,16,480/- per acre) for the lands of appellants. The land owners as also the State appealed. A learned Single Judge of the Punjab & Haryana High Court by order dated 13.5.1999 divided the acquired lands into three categories and awarded compensation as follows:

- (a) Rs.213.99 per sq.yd. (Rs.10,35,711/- per acre) for the lands abutting National Highway upto 10 yards.
- (b) Rs.160.49 per sq.yd (Rs.7,76,771.60 per acre) for the lands abutting Gurgaon-Jharsa road upto 10 yards.
- (c) Rs.106.99 per sq.yd.(Rs.5,17,831/- per acre) for all other lands.

The Division Bench, by the impugned judgment dated 13.2.2004 affirmed the decision of the learned Single Judge and dismissed the appeals by the land owners. The land owners have challenged the said judgment on the ground that their land abutted the National Highway; and therefore, they should be granted a much higher compensation which is not less than the rate of Rs.272/- per sq.yd. awarded by the Reference Court.

Re: C.A.1939-1943/2005

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3. In the second batch, the Land Acquisition Collector granted compensation at different rates for different categories of land. The Reference Court by judgment dated 20.9.1994 awarded compensation at the rate of Rs.272/- per sq.yd. (Rs.13,16,480/- per acre) in regard to land abutting the National Highway and Rs.136/- per sq.yd. (Rs.6,58,240/- per acre) in regard to other lands. On appeal by the State and the land-owners, a learned Single Judge by judgment dated 13.5.1999 awarded compensation at the rate of Rs.213.99 per sq.yd. in regard to land abutting upto 10 yards of National Highway, Rs.160.49 per sq.yd. in regard to lands abutting upto 10 yards of Jharsa-Gurgaon road and Rs.106.99 per sq.yd. for the other lands. That Judgment was affirmed by the Division Bench of the High Court by the impugned judgment dated 13.2.2004. The land-owners have filed the second batch of appeals.

Valuation

4. We have noticed here that the lands in five villages, namely, Sukhroli, Silokhra, Ghata, Wazirabad and Jharsa were notified for development of Section 32,

Gurgaon under preliminary notification dated 28.8.1987. In regard to the land at Sukhroli and Silokhra acquired under notification dated 27.8.1987, the Reference Court had awarded Rs.9,15,000/- per acre and a learned Single Judge of the High court had reduced the compensation to Rs.6,53,400/- per acre. This Court by order dated 31.3.2010 in Civil Appeal Nos.2160-2243 of 2005 (Vishnu Dutt & Ors. vs. State of Haryana & Ors.), on a consensus between the parties determined the compensation at Rs.8,23,500/- per acre reducing it from Rs.9,15,000/- awarded by the Reference Court. In regard to the lands in Jharsa other than the lands abutting the National Highway, this Court by order dated 19.8.2010 in Civil Appeal No.1910 of 2005 and connected matters (Kaptan Singh vs. State of Haryana and Anr.) by consent determined the compensation at a uniform rate of Rs.9,47,025/- per acre.

5. In so far as the lands in the first batch are concerned, it is stated that the lands of the appellants about the National Highway for which the Reference Court had awarded Rs.13,16,480/- per acre and the learned Single Judge has reduced it to Rs.10,35,711/- per acre. The learned counsel for the respondents submitted that these matters may be disposed of by adopting the principle that was agreed to by the State Government in Vishnu Dutt (supra), that is, awarding compensation at a rate arrived at by deducting 10% from the rate fixed by the Reference Court. Learned counsel for the appellants also agreed for the compensation being worked out and awarded at the said rate. As the Reference Court had awarded Rs.272/- per sq.yd., by adopting the said method of deducting 10%, the compensation payable will be at the rate of Rs.245/- per sq.yd. or Rs.11,85,800/- per acre.

6. In regard to the second batch of appeals, it is stated that some lands are abutting the National Highway and some lands are the internal lands. Therefore, the Reference Court had awarded Rs.272/- per sq.yd. for lands abutting National Highway and Rs.136/- per sq.yd. for other lands. The learned single Judge had awarded Rs.213.99 per sq.yd. for lands abutting the National Highway and Rs.160.49 per sq.yd. for lands abutting Gurgaon-Jharsa Road and Rs.106.95 per sq.yd. for other lands. Both parties agree that in regard to the lands which abut the National Highway and for which the Reference Court had awarded Rs.272/- per sq.yd, compensation may be determined at Rs.245/- per sq.yd. (or Rs.11,85,800/- per acre) as was done in the first batch. In regard to all other lands, in Jharsa, as the matter is covered by what was agreed in Kaptan Singh's case, that is Rs.9,47,025/- per acre was awarded for Jharsa lands (other than those abutting the National Highway).

7. In view of the above, these appeals are allowed in part as follows:

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(a) In regard to the acquired lands in Jharsa abutting the National Highway (which were identified by the Reference Court as abutting the National Highway) for which the Reference Court had awarded compensation of Rs.272/- per sq.yd and reduced by the High Court to Rs.213.99 per sq.yd, the compensation payable is fixed at Rs.11,85,800/- per acre (that is Rs.245/- per sq.yd).

(b) In regard to all other lands of appellants in Jharsa which do not abut the National Highway, for which the Reference Court had awarded Rs.136/- per sq.yd and the learned Single Judge has awarded Rs.160.49 per sq.yd. or

Rs.106.95 per sq.yd., compensation is awarded at
Rs.9,47,025/- per acre.

(c) The appellants will be entitled to additional amount, solatium and interest as awarded by the courts below.

(d) Parties to bear their respective costs.

The State has fairly agreed for the above compensation for the reason noticed in Vishnu Dutt's case. This order shall not therefore be treated as a precedent in any other case.

Any amount found to have been drawn by the appellants in

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excess of what is due to them, shall be refunded by the appellants with interest at the rate of 15% per annum.

.....J.
[R. V. RAVEENDRAN]

NEW DELHI
DECEMBER 8, 2010
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.....J.
[A. K. PATNAIK]