

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal Nos.5778-5780/2011

BALWANT SINGH (DEAD) THROUGH LRS. & ORS.ETC.

Appellant(s)

VERSUS

HARYANA STATE THROUGH THE COLLECTOR & ORS.

Respondent(s)

O R D E R

1. The State of Haryana issued a Notification under Section 4 of the Land Acquisition Act, 1894 (in short the 'Act') on 20-08-2001 proposing to acquire 91 Kanals and 1 Murla land in Indri Town, District Karnal, Haryana for construction of Sewage Treatment Plant Works.

2. Notification under Section 6 of the Act was issued on 16-10-2001, followed by an Award on 10-04-2003 by the Land Acquisition Collector granting compensation @ Rs.2,25,000/- per acre.

3. The appellants are the owners of the acquired land. They filed Reference under Section 18 of the Act and pursuant thereto, the Reference Court vide Award dated 17-09-2004 marginally increased the compensation to Rs.3,00,000/- per acre.

4. Still dissatisfied, the appellants filed appeals before the the High Court of Punjab and Haryana at Chandigarh and vide

impugned Judgment dated 18-01-2011, the High Court has granted compensation @ Rs.15,00,000/- per acre to the appellants.

5. Still being dissatisfied, the appellants are before this Court.

6. We have heard learned counsel for the parties and perused the record.

7. It is an undeniable fact that the sale instances relied upon by the appellants were not found relevant for determining the fair and just market value of the acquired land. The High Court has relied upon the exemplar of another acquisition of adjoining land acquired for New Grain Market at Indri for which Notification under Section 4 of the said Act was issued on 03-05-2002. In that case, the Reference Court granted compensation @ Rs.4,00,000/- per acre which was further enhanced by the High Court vide its Judgment dated 18-03-2010 to Rs.21,50,000/- per acre. The said rate of compensation was further upheld by this Court.

8. It may be noted that the Notification under Section 4 of the Act in the present case was issued on 20-08-2001, whereas for the land acquired for the New Grain Market, the Notification was issued nine months after on 03-05-2002. On this premise, the High Court vide impugned Judgment applied the cut of 25% on the amount of Rs.21,50,000/- per acre granted for the land of New Grain Market and thus has awarded Rs.15,00,000/- per acre for the acquired land in the instant case.

9. In the absence of any other relevant instance, the short question that falls for consideration is whether the High Court was justified in applying the cut of 25%, in a case where time gap between the two Notifications issued under Section 4 of the Act was nine months only?

10. In a catena of decisions, this Court has taken judicial notice of the fact that the annual escalation in the prices of land varies from region to region, depending upon the location, potentiality and overall surroundings of the land. The rate of escalation may generally ranges between 10% to 12% a year. Had it been a case of acquisition of land for the New Grain Market a year prior to the acquisition in the present case, the appellants would have been entitled to 10% to 12% more compensation as compared to the land of New Grain Market. Conversely, since the land for New Grain Market was acquired after nine months of the acquisition process initiated in the instant case, it appears to us that the appellants could be granted compensation @ 10% to 12% less than what had been assessed for the land of the New Grain Market.

11. Since there is a further finding of fact that the land for New Grain Market was partly abutting the main road, whereas the land of the appellants is 4 to 5 acres behind the main road, it would be fair and just to marginally increase the cut from 10% to 12% to 15%. In other words, the difference of prices between the land acquired nine months after the acquisition of the appellants land, should not be more than 15%, especially, when both parcels of

land fall within the municipal limits of the town and are surrounded by residential, commercial and other fully developed establishments.

12. For the reasons afore-stated, we are of the considered view that the exemplar of acquisition of land for New Grain Market in which the High Court vide Judgment dated 18-03-2010 granted compensation of Rs.21,50,000/- per acre, is the best instance to be followed for determining the compensation of land in the instant case but the cut on account of the difference of nine months period in both the acquisition processes, should not be more than 15%.

13. In this view of the matter, we hold that the appellants are entitled to compensation @ Rs.18,30,000/- (rounded off figure) per acre. They shall also be entitled to other statutory benefits under the Act.

14. The enhanced amount of compensation shall be deposited with the Reference Court within two months and the same shall be disbursed to the appellants at the earliest.

15. The appeals are thus allowed in part, in above premise.

.....J
(SURYA KANT)

.....J
(J.K. MAHESHWARI)

NEW DELHI
22ND MARCH, 2023.

ITEM NO.108

COURT NO.8

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 SCivil Appeal Nos.5778-5780/2011

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Date : 22-03-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s)

Dr. J. P. Dhanda, AOR

Ms. Raj Rani Dhanda, Adv.

Mr. Asokh Vasishtha, Adv.

For Respondent(s)

Mr. Piyush Hans, Adv.

Dr. Monika Gusain, AOR

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

The appeals are allowed in part, in terms of the signed Order.

(VISHAL ANAND)

ASTT. REGISTRAR-cum-PS

(AVGV RAMU)

COURT MASTER (NSH)

(Signed Order is placed on the file)