

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7050-7093 OF 2013

STATE OF HARYANA AND ORS. . . . APPELLANT(S)

VERSUS

HEMANT KUMAR ETC. . . . RESPONDENT(S)

O R D E R

1. These appeals are directed against the common judgment(s) and order(s), passed by the High Court of Punjab and Haryana in Regular First Appeal Nos.63-83 of 2005, dated 29.04.2010, whereby and whereunder the High Court has dismissed the said appeals filed by the appellants-herein.

2. The facts, in brief, are: The State of Haryana issued a notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), dated 02.10.2001, by which it sought acquire land situated at Fatehabad for the public purpose of construction of District Police Lines, building of Police Station and for quarters of Police Officials/men. After hearing the

objections filed under Section 5-A of the Act, 1894, the State issued a declaration, under Section 6 of the Act, 1894, dated 30.04.2002, for the acquisition of the land in question.

3. The Land Acquisition Officer passed the Award, determining the market value of the acquired land at the rate of Rs. 2,50,000/- per acre, dated 12.03.2003. Not being satisfied with the compensation so awarded, the respondent-claimants herein challenged the said award by way of a reference under Section 18 of the Act.

4. The learned Additional District Judge, Fatehabad, vide a detailed order dated 13.10.2010, categorized the land into three blocks and assessed the market value as follows:-

Block-A: Land situated within 2 acres of the National Highway No.10. Fair Market Value assessed at the rate of Rs.8,60,000/- per acre.

Block-B: Land falling within next three acres. Fair Market Value assessed at the rate of Rs.7,40,000/- per acre.

Block-C: Rest of the land. Fair Market Value assessed at

the rate of Rs.5,00,000/- per acre.

5. Aggrieved, the appellants herein as well as the claimants approached the High Court by way of regular first appeals.

6. The High Court, vide the common impugned judgment(s) and order(s), fixed the compensation at the rate of Rs.600/- per square yard uniformly in respect of the entire land. A perusal of the impugned judgment of the High Court would demonstrate that the High court has relied upon its earlier judgment rendered in R.F.A. No.69 of 2000, titled *Ram Kumar Vs. State of Haryana*, dated 22.09.2008. In the said judgment the land in question pertained to the same area, namely, Fatehabad, Haryana. The High Court further noticed that the Special Leave Petition filed by the State against R.F.A. No.69 of 2000 has been dismissed by this Court.

7. In the *Ram Kumar* case (supra), the High Court ascertained the fair market value, *inter alia*, at the rate of Rs.260/- per square yard for land abutting NH No.10, with regard to a notification dated 21.07.1993. Thereafter, the High Court applied the principle of a 12%

increase in price per year to assess the fair market value of the land in Fatehabad at the rate of Rs. 376/- per square yard, with regard to a notification dated 21.12.1998.

8. After noticing the aforesaid facts in the case of *Ram Kumar* case (supra), the High Court, in the present case, was of the opinion that 12% per year increase should be given from 1998 and thereby arrived at figure of Rs.600/- per square yard, with regard to the notification in question herein. Therefore, the High Court dismissed the regular first appeals filed by the appellants herein and allowed the appeals filed by the claimants.

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

10. We are of the considered opinion that these appeals, being devoid of any merit, deserve to be dismissed and are dismissed accordingly. No order as to costs.

11. We direct that the amount of Rs.15,00,00,000/- (Rupees fifteen crores only) lying with the Registry of

this Court, as deposited by the Appellant(s), shall be withdrawn by the appellant(s) and be distributed among the claimants.

Ordered accordingly.

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

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

.....J.
(ARUN MISHRA)

NEW DELHI;
FEBRUARY 25, 2015.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6755-6762 OF 2013

BHAVANI DASS (D) BY LRS.
AND ORS.ETC.ETC

..APPELLANT(S)

VERSUS

STATE OF HARYANA AND ORS.

..RESPONDENT(S)

WITH

CIVIL APPEAL NO.7037 OF 2013

CIVIL APPEAL NOS.7038-7039 OF 2013

CIVIL APPEAL NO.7040 OF 2013

CIVIL APPEAL NO.7041 OF 2013

CIVIL APPEAL NOS.7042-7049 OF 2013

AND

WITH

CIVIL APPEAL NOS.7094-7096 OF 2013\

O R D E R

1. These appeals are directed against the judgment(s) and order(s) passed by the High Court of Punjab and Haryana in Regular First Appeal Nos.729, 735, 742, 733, 731, 736, 741 and 732 of 2005, dated 29.04.2010, whereby and whereunder, the High Court has

dismissed the appeal of the appellants.

2. For the convenient disposal of the matters, we would only notice the facts in Civil Appeal Nos.6755-6762 of 2013.

3. Brief facts: The Notification, dated 02.10.2001, under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was issued by the State Government to acquire certain lands situated in District Fatehabad, for the public purpose of construction of District Police Lines, building of Police Station Sadar and quarters for Police officials/men.

4. The Land Acquisition Collector (for short, "the LAC"), determined the compensation payable for the acquired lands at the rate of Rs.2.5/- lakhs per acre by award dated 01.12.2003.

5. The claimants, being dissatisfied with the compensation so awarded by the LAC, approached the LAC and sought for a reference under Section 18 of the Act to the Civil Court for determination of the actual market value of the land acquired by the State Government.

6. The Reference Court, by order dated 13.10.2004, categorized the land into three blocks and awarded the compensation in the following manner:-

Block-A : Land situated within 2 acres of the National Highway No.10 at Rs.8,60,000 per acre.

Block-B : Land falling within next three acres at Rs.7,40,000 per acre.

Block-C : Rest of the land at Rs.5,00,000 per acre.

7. Being aggrieved by the compensation awarded by the Reference Court, the claimants had preferred appeals before the High Court. The High Court referring to its order dated 29.04.2010 in R.F.A No.63 of 2005 in the case of *State of Haryana vs. Hemant Kumar*, awarded compensation at the rate of Rs.600/- per square yard. The High Court relied on its earlier judgment rendered in the case of *Ram Kumar vs. State of Haryana* (R.F.A.No.69 of 2000) dated 22.09.2008. In the said judgment, the land pertained to the same area, namely, Fatehabad, Haryana. Two notifications were the subject matter of the said appeals, namely, Notification dated 21.07.1993 and

21.12.1998. Both pertain to land of Fatehabad. The High Court had granted compensation in respect of the land acquired vide Notification dated 21.07.1993, at Rs.260/- per sq. yard in respect of the land abutting the National Highway No.10, upto the depth of 100 meters and at Rs.206/- per sq.yard. for the rest of the land. For determining the market value of land acquired by Notification dated 21.12.1998, the High Court gave an increase of 12 per cent in price every year and thereby determined the market value at Rs.342/- for the land beyond 100 mtrs. from the National Highway No.10, Rs.376/- per sq.yard for the land abutting the State Highway Road upto the depth of 100 mtrs. and Rs.359/- situated in Sector 10, Fatehabad abutting National Highway No.10.

8. After noticing the aforesaid facts in the case of Ram Kumar (*supra*), the High Court was of the opinion that 12 per cent per year increase should be given from 1998 and arrived at the rate of Rs.600 per sq.yard.

9. Aggrieved by the order so passed by the High Court, the appellants are before us in these appeals. The

learned counsel for the appellants would submit that the formula applied by the High Court extended to him and that in the case of Ram Kumar (*supra*) appeals were preferred in this Court and this Court enhanced the compensation from Rs.260/- to Rs.350/- uniformly in respect of the Notification dated 21.07.1993, thereby granting an increase of 12 per cent per year and fixing the compensation for the land acquired in the year 1998 at Rs.616/- per square yards. He would further submit that in the instant case 12 per cent increase cumulatively has to be given on Rs.616/-, subsequent to such increase, the compensation amount would be Rs.866/- per square yards.

10. We have heard the learned counsel for the parties to the *lis*.

11. After perusing the records and the judgment and order passed by this Court in the case of *Asharfi and Ors vs. State of Haryana* in Civil Appeal Nos.3279-3287 of 2013, dated 11.04.2013 wherein the compensation was enhanced from Rs.260/- sq. yards to Rs.350/- sq. yards, by applying 12 per cent increase in respect of land

acquired vide Notification dated 21.07.1993 and Rs.616/- in respect of land acquired by Notification dated 21.12.1998, the learned counsel for the appellant was justified in making the aforesaid submission. After the proceedings, before the Executing Court compensation was being paid in these cases on the aforesaid basis which has since been paid by the Government.

12. In view of the above, we allow these appeals and enhance the compensation to Rs.866/- per sq.yard. The appellants are also entitled to all the statutory benefits including solatium and interest. Interest on the enhanced compensation, however, shall be given from the date of the judgment passed by the High Court. No order as to costs.

Ordered accordingly.

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

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

.....J.
(ARUN MISHRA)

NEW DELHI;
FEBRUARY 25, 2015

ITEM NO.15

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). 7050-7093/2013

STATE OF HARYANA & ORS.

Appellant(s)

VERSUS

HEMANT KUMAR ETC.

Respondent(s)

With Civil Appeal No(s). 6755-6762/2013
(office report)

WITH C.A. No. 7037/2013
(With Office Report)

C.A. Nos. 7038-7039/2013
(With Office Report)

C.A. No. 7040/2013
(With Office Report)

C.A. No. 7041/2013
(With Office Report)

C.A. Nos. 7042-7049/2013
(With Office Report)

C.A. Nos. 7094-7096/2013
(With Office Report)

Date : 25/02/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Dr.Monika Gusain, Adv.

Mr. Devashish Bharuka, Adv.

Mr. Manoj Swarup, Adv.

Mr. Ankit Swarup, Adv.

Mr. Rohit Kumar Singh, Adv.

For Respondent(s) Mr.Manoj Swarup, Adv.
 Mr.Ankit Swarup, Adv.
 Mr. Rohit Kumar Singh,Adv.

 Mr. Ranbir Singh Yadav,Adv.

 Dr.Alok Sangwan, AAG
 Dr.Monika Gusain, Adv.

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

C.A.Nos.7050-7093/2013:

The appeals are dismissed with no order as to costs, in terms of the signed order.

C.A.Nos.6755-6762/2013, 7037/2013, 7038-7039/2013, 7040/2013, 7041/2013, 7052-7049 of 20913 and C.A.Nos.7094-7096 of 2013:

The appeals are allowed with no order as to costs, in terms of the signed order.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

(Two separate signed orders in C.A.Nos.7050-7093 of 2013 and C.A.No.6755-6762/2013 etc.etc. are placed on the file)