

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 13841 OF 2015
(Arising out of S.L.P.(C)No.20749 of 2011)

ROHIT JAIN AND ANR.

..APPELLANT(S)

VERSUS

HANSI IMPROVEMENT TRUST,
HANSI AND ORS.

..RESPONDENT(S)

O R D E R

1. Application(s) for amendment of cause title is allowed.

2. Leave granted.

3. This appeal is directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in C.R. No.3808 of 2010, dated 24.1.2011.

4. Brief of facts are:

The respondent-herein, in exercise of its powers under Scheme 36 of the Punjab Town Improvement Act, 1922 (for short, 'the Act') has issued a notice published in Official Gazette on 24.4.1983, to acquire certain extent of land including the appellants in Khasra NO.1087-1988 measuring 45 kanals 6 marlas along with other land owners

for establishment of Modern Market called the 'Indira Market Development Scheme'.

5. The Land Acquisition Collector, Hansi (for short, the L.A.C.) has passed an award on 17.6.1978 awarding compensation for the land measuring 2472 sq. yards situated along side of Delhi-Hisar Road at Rs.150/- per sq. yard and for the land of the appellants-herein at Rs.40/- per sq. yard since the lands of the appellants are not situated on the main Hisar-Delhi road.

6. Aggrieved by the order so passed by the L.A.C., the appellants filed reference petitions before the Tribunal. The Tribunal maintained the compensation at the rate of 150/- per sq.yard for the land situated on the Delhi-Hisar Road and for the rest of the land, it has been enhanced to Rs.80/- per sq. yard.

7. Aggrieved by the order so passed by the Improvement Trust, Hisar (for short, "the Tribunal"), the appellants/claimants approached the High Court by filing Writ Petition. The learned Single Judge of the High Court has allowed the petition filed by the appellants/claimants-herein and awarded a uniform

compensation at the rate of Rs.150/- per sq. yard with solatium at the rate of 30% per annum and interest at the rate of 9% for the first year and 15% thereafter. Being aggrieved by the same, the respondent-herein has filed a Revision Petition before the High Court. The High Court, has allowed the Revision Petition to the extent that the appellants-herein are entitled for interest on solatium from 19.09.2001 and not from the date of the award.

8. Being aggrieved by the same, the appellants-land losers are before us in this appeal, by way of special leave.

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

10. After carefully going through the impugned judgment(s) and order(s) passed by the High Court as well as the Courts below and the material available on record and in view of the peculiar facts and circumstances of the case, we are of the considered opinion that the impugned judgment and order passed by the High Court be set aside and the order passed by the Executing Court be restored.

11. Accordingly, we set aside the impugned judgment and order passed by the High Court and restore the order passed by the Executing Court.

Ordered accordingly.

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

.....J.
(ARUN MISHRA)

NEW DELHI,
NOVEMBER 24, 2015.

ITEM NO.5

COURT NO.1

SECTION IVB

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

Petition(s) for Special Leave to Appeal (C) No(s). 20749/2011

ROHIT JAIN & ANR.

Petitioner(s)

VERSUS

HANSI IMPROVEMENT TRUST, HANSI & ORS.

Respondent(s)

Date : 24/11/2015 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr.Puneet Jain, Adv.
Ms.Christi Jain, Adv.
Mr.Abhinav Gupta, Adv.
Mr.Manu Maheshwari, Adv.
For Ms. Pratibha Jain,Adv.

For Respondent(s) Mr.Samar Vijay Singh, Adv.
Mr.Jaswant Persoya, Adv.

Mr. Kamal Mohan Gupta,Adv. (NP)

Mr. Ugra Shankar Prasad,Adv.

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

Leave granted.

The appeal is allowed, in terms of the signed order.

Pending application(s), if any, is/are disposed of.

(G.V.Ramana)
AR-cum-PS

(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)