

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A.Nos.1-4

In

&

CIVIL APPEAL NO.218 OF 2012

(Arising out of SLP(C)No.854/12 CC No.9228 OF 2011)

AMIR SINGH(D) TR.LRS.

.....APPELLANTS

VERSUS

HARYANA STATE AND ANOTHER

.....RESPONDENTS

O R D E R

Delay condoned.

The application for substitution is allowed.

The application for permission to file the special leave petition is allowed.

Although, the petitioners' have moved this Court after long lapse of time (2498 days), we are inclined to entertain their prayer for condonation of delay because in Subh Ram v. State of Haryana (2010) 1 SCC 444 the compensation awarded to the identically situated land owners was enhanced by this Court and we feel that it would not be just and proper to deny relief to the appellants only on the ground of delay. Accordingly, the delay in filing the special leave petition is condoned.

Leave granted.

This appeal is directed against judgment dated 31.03.2004 of the learned Single Judge of the Punjab and Haryana High Court whereby he dismissed the appeal filed by the appellants under Section 54 of the Land Acquisition Act, 1894

2

(for short, 'the Act'), by relying upon judgment dated 31.3.2004 passed in RFA No.751/1990 - Kabool Singh and others v. State of Haryana and another.

The land belonging to the predecessor of the appellants was acquired vide notification dated 22.11.1984. By an award dated 22.8.1985, the Land Acquisition Collector fixed market value of the acquired land at the rate of Rs. 60,000/- per acre for Chahi

land, Rs. 50,000/- per acre for Aabi land and Rs. 40,000/- per acre for Gair Mumkin land. On a reference made under Section 18, Additional District Judge, Gurgaon determined market value of the acquired land at the rate of Rs. 36.20 per square yard. The predecessor of the appellants filed RFA No. 1834 of 1990 which was dismissed by the learned Single Judge in terms of judgment dated 31.3.2004 passed in RFA No. 751/1990.

Learned counsel for the appellants relied upon the judgment of this Court in Subh Ram v. State of Haryana and argued that the appellants may be given similar relief because their land was acquired by the same notification and for the same purpose.

Learned counsel for the respondents did not dispute that the appellants' case is similar to that of Subh Ram v. State of Haryana and Dharam Veer and ors. v. State of Haryana and anr. (Civil Appeal No. 1085/2011) and connected matters decided on 28.1.2011 in which a direction was issued to the respondents to pay compensation to the appellants of those cases in terms of the judgment in Suba Ram's case.

3

In view of the above, the appeal is partly allowed in terms of the judgment in Subh Ram v. State of Haryana. The respondents shall pay enhanced compensation along with statutory benefits to the appellants within a period of four months from today. The parties are left to bear their own costs.

.....J.
(G.S.SINGHVI)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI;
JANUARY 6, 2012.

4

ITEM NO.45

COURT NO.6

SECTION IVB

S U P R E M E

C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.Nos.1-4 In & Petition(s) for Special Leave to Appeal
(Civil)...../2011

(CC 9228/2011)

(From the judgement and order dated 31/03/2004 in RFA No.1834/1990
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AMIR SINGH(D) TR.LRS. Petitioner(s)
VERSUS
HARYANA STATE & ANR Respondent(s)

(With appln(s) for substitution and permission to file SLP and
c/delay in filing substitution appln. and office report)

Date: 06/01/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Gagan Gupta,Adv.
For Respondent(s) Mr.Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta,A.O.R.(Not Present)

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

Delay condoned.

The application for substitution is allowed.

The application for permission to file the special leave
petition is allowed.

The delay in filing the special leave petition is
condoned.

Leave granted.

The appeal is partly allowed in terms of the signed
order. The parties are left to bear their own costs.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed order is placed on the file)