

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.7794-7795 of 200

2

KAPUR CHAND JAIN (DEAD) BY LRS.
Appellant(s)

VERSUS

STATE GOVT. OF H.P. & ORS.
Respondent(s)

A N D

SECOND GROUP (RAJ SINGH BATCH)

C.A.NOS.7168-7171/2002, 8019/2003, 2700/2003, 2701/2003, 2702/2003, 2703/2003, 7943/2002, 3515

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3516/2002, 945/2002, 7928/2002, 7933-7941/2002, 577/2005, 578/2005, 579/2005, 580/2005, 581/2005,

1491/2005, 1492/2005, 1493/2005

(With office report and prayer for interim relief)

Special Leave Petition (C) Nos.2779/2003, 4974/2003, 5296/2003, 5367/2003, 5368/2003, 5371/2003,

3,

5373/2003, 5377/2003, 5380/2003, 7176/2003, 7179/2003, 7178/2003, 7177/2003, 7180/2003, 7468/2003,

8379/2003, 8802/2003, 9037/2003, 9269/2003, 11565/2003, 19636/2003, 12250/2003, 9270/2003,

9279/2003, 9280/2003, 9281/2003, 9283/2003

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

Special Leave Petition (C) No.3766/2004

A N D

THIRD GROUP (TEK CHAND BATCH)

Civil Appeal Nos.7945/2002, 7946/2002, 7947/2002, 7944/2002, 7927/2002, 7948/2002, 7949/2002,
7942/2002, 4103/2002, 7931-7932/2002, 7929-7930/2002, 3763/2001, 3764/2001, 1668/2002
(With office report)

Civil Appeal No.4232/2001
(With appln. for intervention)

Civil Appeal Nos.4233/2001, 4234/2001, 4235/2001, 4236/2001, 4237/2001, 4238/2001, 4239/2001
(With office report)

Special Leave Petition (C) Nos.8925/2002, 473-475/2003, 477/2003, 1358/2003, 1622/2003, 2477/2003,
3738/2003, 3913/2003, 19442/2003, 5851/2004
(With appln.(s) for c/delay in filing/refiling SLPs & office report)

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FOURTH GROUP

Civil Appeal No.7890 of 2002
(With appln. for permission to submit additional documents and office report)

Date : 08/12/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant (s) Mr. Neeraj Kumar Jain, Adv.

Mr. Bharat Singh, Adv.

Mr. Sanjay Singh, Adv.

Mr. U.S. Prasad, Adv.

Mr. B.A. Mohanty, Sr.Adv.

Mrs. Sunita Sharma, Adv.

Ms. Mamta, Adv.

Mr. Prabhash Kumar Yadav, Adv.

Dr. K.S. Chauhan, Adv.

Mr. V.K. Yadav, Adv.

Mr. E.C.Agrawala, Adv.

Mr. Ranbir Singh Yadav, Adv.

Mrs. S.Janani, Adv.

Mr. Balraj Dewan, Adv.

For applicants in
IA 2 in CA 4232/01:

Mr. Satish Kumar, Adv.

Mr. Abhishth Kumar, Adv.

Mr. Aditya Sharma, Adv.

Mr. K.S. Rana, Adv.

For Respondent (s)

Mr. J.S. Attri, Addl.Adv.Genl., State of H.P.

Ms. Shivani Thakur, Adv.

For DDA:

Mr. Vishnu B. Saharya, Adv.

for M/s. Saharya & Co., Adv.

For UOI:

Mr. R. Mohan, A.S.G.

Mr. T.S. Doabia, Sr.Adv.

Mr. Harish Chandra, Sr.Adv.

Mrs. Rekha Pandey, Adv.

Mrs. Indra Sawhney, Adv.

Mrs. Anil Katiyar, Adv.

...3/-

Mrs. Kiran Bhardwaj, Adv.

Mr. M.P.S.Tomar, Adv.

Mr. Amit Poddar, Adv.

Mr. Imtiaz Ahmad, Adv.

Mr. Mustaq Ahmad, Adv.

Mr. Vikash Sharma, Adv.

Mr. Ankur Modi, Adv.

Mr. Manish Tiwari, Adv.

Ms. Asha G. Nair, Adv.

Mrs. Anjani Aiyagari, Adv.

Mr. D.S. Mahra, Adv.

Mr. Aditya Sharma, Adv.

Mr. K.S. Rana, Adv.

UPON hearing counsel the Court made the following

O R D E R

C.A.Nos.7794-7795:

The appeals are partly allowed, in terms of the signed order. No costs.

C.A.Nos.7168-7171/2002, 7168-7171/2002, 8019/2003, 2700/2003, 2701/2003, 2702/2003,

2703/2003, 7943/2002, 3515-3516/2002, 945/2002, 7928/2002, 7933-7941/2002, 577/2005,

578/2005, 579/2005, 581/2005, 580/2005, 1491/2005, 1492/2005, 1493/2005 AND Special

Leave Petition (C) Nos.2779/2003, 4974/2003, 5296/2003, 5367/2003, 5368/2003, 5371/2003, 5373/2003, 5377/2003, 5380/2003, 7176/2003, 7179/2003, 7178/2003, 7177/2003, 7180/2003, 7468/2003, 8379/2003, 8802/2003, 9037/2003, 9269/2003, 11565/2003, 19636/2003,

12250/2003, 9270/2003, 9279/2003, 9280/2003, 9281/2003, 9283/2003 & 3766/2004 (Second Group) AND

C.A.Nos.7945/2002, 7946/2002, 7947/2002, 7944/2002, 7927/2002, 7948/2002, 7949/2002,

7942/2002, 4103/2002, 7931-7932/2002, 7929-7930/2002, 3763/2001, 3764/2001, 1668/2002,

4232/2001, 4233/2001, 4234/2001, 4235/2001, 4236/2001, 4237/2001, 4238/2001, 4239/2001

AND Special Leave Petition (C) Nos.8925/2002, 473-475/2003, 477/2003, 13
58/2003,

1622/2003, 2477/2003, 3738/2003, 3913/2003, 19442/2003, 5851/2004 (Third Group):

Delay condoned in the special leave petitions.

No orders on the application for intervention in C.A.No.4232/2001.

The civil appeals and the special leave petitions are disposed of, in t
erms of the

signed order.

No costs.

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C.A.No.7890 of 2002:

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

No costs.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master

(Three separate signed orders are placed on the file.)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7794-7795 OF 2002

Kapur Chand Jain (Dead) by Lrs. & Ors.
t(s)

...Appellan

Versus

State Govt. of H.P. & Ors.
nt(s)

...Responde

O R D E R

By the impugned judgment, the High Court has partly allowed the appeal

that was filed by the Government challenging the decision of the Reference Court,

namely, the Court of learned Additional District Judge, and dismissed t
he cross

objections that have been filed by the claimants who are appellants before
us on

grant of leave. We find no infirmity in the impugned judgment inso
far as it

concerns the aspect of fixing the market value of the land in question.
The High

Court, however, reversed the order of the Reference Court on the aspect of award of

additional amount of interest and solatium. Further, the High Court directed that

the appellant-claimants are entitled to interest at the rate of 9% per annum on the

amount of compensation awarded by the Land Acquisition Collector from
2nd

September, 1978, namely, the date of the publication of the notifica
tion under

Section 4 of the Land Acquisition Act, 1894, upto 7th September, 1984, namely, the

date of payment of compensation. Learned counsel for the appellants h
as fairly

submitted that the claimants are not entitled to the interest as awarded by the High

Court. In this view, we set aside the direction in the impugned
judgment for

payment of interest at 9% per annum for the period from 2nd September, 1978 to

7th September, 1984. The appellants are not entitled to award of additional amount

of interest but are entitled and it is not rightly disputed by the respondents, to

solatium under Section 23(2) of the Land Acquisition Act, 1984. The solatium

under Section 23(2) of the Act was granted by the Reference Court. The impugned

judgment to the extent it reverses the judgment of the Reference Court granting

solatium to the appellants is set aside and the judgment of the Reference Court

granting solatium under Section 23(2) of the Act is restored. On the facts, the

appellants are not entitled to any amount under Section 28 or Section 34 of the Act.

The appeals are partly allowed to the extent above noted. No costs.

.....CJI.

(Y.K. SABHARWAL)

.....J.

(C.K. THAKKER)

.....J.

(P.K. BALASUBRAMANYAN)

New Delhi,

December 08, 2005.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7168-7171 OF 2002

Laik Ram (D) by Lrs. & Ors.

...Appellant(s)

Versus

Union of India

...Respondent(s)

W I T H

C.A.NOS.7168-7171/2002, 8019/2003, 2700/2003, 2701/2003, 2702/2003,
2703/2003, 7943/2002, 3515-3516/2002, 945/2002, 7928/2002, 7933-7941/2002,
577/2005, 578/2005, 579/2005, 581/2005, 580/2005, 1491/2005, 1492/2005,
1493/2005 AND

Special Leave Petition (C) Nos.2779/2003, 4974/2003, 5296/2003, 5367/2003,
5368/2003, 5371/2003, 5373/2003, 5377/2003, 5380/2003, 7176/2003, 7179/2003,
7178/2003, 7177/2003, 7180/2003, 7468/2003, 8379/2003, 8802/2003, 9037/2003,
9269/2003, 11565/2003, 19636/2003, 12250/2003, 9270/2003, 9279/2003,
9280/2003, 9281/2003, 9283/2003 & 3766/2004

A N D

CIVIL APPEAL NO.7945/2002

Union of India

...Appellant(s)

Versus

Bhoop Singh & Ors.

...Respondent(s)

W I T H

Civil Appeal Nos.7946/2002, 7947/2002, 7944/2002, 7927/2002, 7948/2002,
7949/2002, 7942/2002, 4103/2002, 7931-7932/2002, 7929-7930/2002, 3763/2001,
3764/2001, 1668/2002, 4232/2001, 4233/2001, 4234/2001, 4235/2001, 4236/2001,
4237/2001, 4238/2001, 4239/2001 AND

Special Leave Petition (C) Nos.8925/2002, 473-475/2003, 477/2003, 1358/200

1622/2003, 2477/2003, 3738/2003, 3913/2003, 19442/2003, 5851/2004

O R D E R

Delay condoned in the special leave petitions.

No orders on the application for intervention in Civil Appeal

No.4232/2001.

By notification dated 24th October, 1961, issued under Section 4 of the Land Acquisition Act, 1894, large chunk of land was acquired including the land in question. The High Court, by the impugned judgment, relying upon the award of compensation at the rate of 7,000/- per bigha in respect of the same notification pertaining to Village Mangolpur Kalan, determined the market value at the same rate of Rs.7,000/- per bigha in respect of the present cases which pertain to Villages Naharpur and Rithala. The High Court has taken note of the decision of this Court in Nand Ram Vs. State of Haryana [JT 1988 (4) SC 260] holding that when large extent of area is acquired by the same notification, it is necessary that each one is paid compensation at an uniform rate without any distinction except for special nature, if proved separately. Though a feeble attempt was made, the claimants have failed to prove, on the basis of the material on record, any such distinction. We may note that this Court in R.P.Singh Vs. Union of India [(2005) 7 SCC 24] has determined the market value of the lands in Village Mangolpur Kalan, Delhi as also in Village Manglolpur Khurd, Delhi at Rs.7,000/- per bigha, the lands having been acquired under the same notification dated 24th October,

1961. We find no ground to determine the market value at a rate other than

Rs.7,000/- per bigha, as fixed by the High Court.

It is contended that the notification under Section 4 of the Land

Acquisition Act was issued on 24th October, 1961 and the award of the Collector

was made between the years 1979 and 1981 and that, therefore, the claimants are

entitled to interest on the compensation amount from the date of notification

under Section 4 of the Act till the date of payment of compensation. The

claimants have also been awarded interest at 6% per annum on the market value

of the lands as per the provisions of Sub-Section (3) of Section 4 of the Land

Acquisition (Amendment and Validation) Act, 1967, as noted by the High Court in

the judgment under appeal.

On the facts and circumstances of the case, the reliance on the decision of

this Court in Ram Chand & Ors. Vs. Union of India & Ors. [(1994) 1 SCC 44], in

support of the contention for award of interest, is misplaced as interest has been

awarded under Section 4(3) of the Act. There is no statutory provision under

which the claimants are entitled to such interest.

Appeals have also been filed by the Union of India seeking reduction of

compensation from the award at Rs.7,000/- per bigha by the High Court. For the

reasons above-stated, the question of reducing the compensation also does not

arise.

In this view, we affirm the decision of the High Court fixing

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compensation at Rs.7,000/- per bigha.

All the civil appeals and the special leave petitions are disposed of accordingly.

No costs.

.....CJI.

(Y.K. SABHARWAL)

.....J.

(C.K. THAKKER)

.....J.

(P.K. BALASUBRAMANYAN)

New Delhi,

December 08, 2005.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7890 OF 2002

Shanti Kacker & Ors.
...Appellant(s)

Versus

Collector, Agra & Ors.
...Respondent(s)

O R D E R

It is for the appellants to contend before the High Court, where their

First Appeal is pending, that the claimants, as per the law settled by this Court, are entitled to interest on solatium. It is not necessary to examine that question in this appeal.

Subject to the above, the civil appeal is dismissed.

No costs.

.....CJI.

(Y.K. SABHARWAL)

.....J.

(C.K. THAKKER)

.....J.

(P.K. BALASUBRAMANYAN)

New Delhi,

December 08, 2005.