

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).9067-9082 OF 2013

CHARAN SINGH & ANR. ETC. ..APPELLANT(S)

VERSUS

LAND ACQUISITION COLLECTOR
INDUSTRIES DEPARTMENT & ANR., ETC. ..RESPONDENT(S)

WITH

CIVIL APPEAL NOS.9083-9092 OF 2013

CIVIL APPEAL NOS.693-694 OF 2014

CIVIL APPEAL NOS.8335-8336 OF 2017

O R D E R

These appeals have been preferred by the appellants-land owners aggrieved by the judgment and order passed by the High Court in the matter of determination of compensation for the land acquired vide notification issued under section 4 of the Land Acquisition Act, 1894 (for short, "the Act") on 24.09.1985 for the purpose of construction of Integral Coach Factory at Kapurthala.

The Land Acquisition Collector vide award dated 22.1.1986 awarded compensation ranging in between Rs.19,360/- to Rs.26,830/- per acre for Chahi land and

awarded compensation at the rate of Rs.8,000/- to Rs.13,731.30/- per acre for Barani and Gair Mumkin Land in different villages.

Dissatisfied with the compensation awarded by the Land Acquisition Collector a reference was sought. The Reference Court awarded compensation at the rate of Rs.46,829/- per acre with respect to the villages Manga Roda, Rawal-Be-Chirag, Dudhianwala and Saidowal. The High Court has allowed the appeals filed by the Union of India - Railways and dismissed the appeals filed by the land owners for further enhancement of compensation. Aggrieved thereby, these appeals have been preferred.

It was urged on behalf of the learned counsel appearing on behalf of the appellants-land owners that compensation awarded by the Reference Court as Rs.46,829/- was also inadequate and the same also required to be enhanced. The High Court has erred in reducing the compensation that deserves to be further enhanced.

On behalf of the respondents, the learned counsel supported the determination made by the High Court.

In our opinion, taking into consideration the overall evidence that had been adduced, the High Court has erred in discarding the comparable sale evidence that were executed before the date of notification under section 4 of the Act on untenable grounds. Considering the facts and circumstances of the case for the villages in question, in our opinion, it would be appropriate to award compensation to the appellant- land owners at the rate of Rs.46,829/- along with statutory benefits. Thus, we set aside the judgment and order passed by the High Court and award the compensation uniformly at the rate of Rs.46,829/- per acre along with statutory benefits for the land acquired.

Accordingly, we allow these appeals and set aside the judgment and order passed by the High Court. Let the compensation be paid, if it has not been paid, to the appellants within a period of three months. No order as to costs.

.....J.
(ARUN MISHRA)

.....J.
(SANJAY KISHAN KAUL)

NEW DELHI;
JUNE 27, 2018

ITEM NO.106

COURT NO.5

SECTION IV

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(s). 9067-9082/2013

CHARAN SINGH & ANR. Etc.

Appellant(s)

VERSUS

COLLECTOR, LAND ACQUISITION
INDUSTRIES DEPARTMENT & ANR. Etc.

Respondent(s)

WITH

C.A. No. 9083-9092/2013 (IV)

C.A. No. 693-694/2014 (IV)

C.A. No. 8335-8336/2017 (IV)

(and IA No.24366/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 27-06-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
(VACATION BENCH)

For Appellant(s) Dr. (Mrs.) Vipin Gupta, AOR

Mr. Subhasish Bhowmick, AOR

Ms. Usha Nandini. V, AOR

For Respondent(s) Mr. Bharat Singh, Adv.
Mr. R. Balasubramaium, Adv.
Mr. B. Krishna Prasad, AOR

Mrs. Anil Katiyar, AOR

State of Punjab Ms. Uttara Babbar, AOR
Ms. Akanksha Choudhary, Adv.
Ms. Bhavana Duhoon, Adv.

Mr. Jagjit Singh Chhabra, AOR

Mr. Mukesh Kumar Maroria, AOR

Ms. Ranjeeta Rohatgi, AOR

Contd..

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

The appeals are allowed in terms of the signed order.

Pending applications, if any, also stand disposed of.

(SUSHIL KUMAR RAKHEJA)
COURT MASTER (SH)

(RAJINDER KAUR)
BRANCH OFFICER

(Signed Order is placed on the file.)