

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5785-5788 OF 2011

SHAUKAT ETC.

...Appellant(s)

Vs.

STATE OF U.P. & ORS.

...Respondent(s)

O R D E R

1. State of Uttar Pradesh acquired 98.28 acres land comprising revenue estate of two villages i.e. Budhera Zahidpur and Kazipur, District Meerut for construction of staff quarters and 44th Battalion, Provincial Armed Constabulary in Meerut, Uttar Pradesh. Notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was issued on 17th February, 1989. The Special Land Acquisition Officer passed the Award on 4th March, 1992 and determined the compensation @ Rs.30/- per square yard, which was enhanced to Rs.90.50/- per square yard by the Reference Court. The High Court vide impugned judgment dated 16th December, 2010 has further enhanced the compensation @ Rs.115/- per square yard. Still dissatisfied, the aggrieved land owners are before us in these appeals.

2. It is fairly stated by learned counsel for the parties that a bunch of Civil Appeals including Civil Appeal No.3423 of 2012 in the case of Gaindo v. State of U.P. & Ors., arising out of the same acquisition came up for hearing before a coordinate Bench of this Court on 1st November, 2017. Those appeals were allowed in part to the extent that the rate of compensation was enhanced to Rs.163/- per square yard.

3. Paragraph 4 of the above-said judgment reads as follows:

"4. The evidence, that has been placed on record, was the Award passed in the case decided by this Court in U.P.Avas Evam Vikas Parishad vs. Jainul Islam, (1998) 2 SCC 467, in which the Notification had been issued under Section 4 in the year 1983, and the compensation determined by this Court was @ Rs.73/- per sq.yd. and exemplar evidence produced in the close proximity of time of Notification issued in 1989 indicated that the prices had increased in the area, particularly, the exemplars, that were placed on record, relating to village Kazipur. The sale deed dated 27.2.1987 executed by Mohar Singh related to Khasra No.393, in Village Kazipur, @ Rs.290/- per sq.yd. and the sale deed dated 23.8.1988 was executed by Jai Narain Sharma, relating to Khasra No.393, in village Kazipur @ Rs.360/- per sq.yd. If the aforesaid sale deeds are taken into consideration, the average value would come to Rs.325/- per sq.yd. in village Kazipur. Thus, after making 50% deduction out of the amount, for development and for smallness

of the plot sold, as the area required was a large tract of land, we deem it appropriate to work out the compensation after deduction of said amount in the instant cases and it would be fair to grant compensation @ Rs.162.50/- per sq.yd., which is rounded off to Rs.163/- per sq.yd."

4. In view of the above mentioned determination of market value of the acquired land by this Court, these appeals are also allowed in the same terms and the appellants are held entitled to compensation @ Rs.163/- per square yard along with all other statutory benefits including interest under the Act. The enhanced amount of compensation shall be deposited with the Reference Court within eight weeks and the same shall be disbursed to the appellants without any further delay.

5. There shall be no order as to costs.

.....J.
(SURYA KANT)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
March 22, 2023.

ITEM NO.112

COURT NO.8

SECTION III-A

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). 5785-5788/2011

SHAUKAT ETC.

Appellant(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

Date : 22-03-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s) Dr. Ritu Bhardwaj, Adv.
Mr. Mohan Kumar, AOR

For Respondent(s) Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

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 application, if any, also stands disposed
of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)