

ITEM NO.302
(Part Heard)

COURT NO.7

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). 2111-2113/2016

HOSHIAR SINGH(D) THR. LRS. & ORS.

Appellant(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

WITH

C.A. No. 1969-1979/2016

(With appln.(s) for stay and Interim Relief and Office Report)

C.A. No. 1980/2016 (With Interim Relief and Office Report)

C.A. No. 2061-2081/2016 (With Interim Relief)

C.A. No. 2082-2099/2016 (With Interim Relief)

C.A. No. 2114/2016 (With Office Report)

C.A. No. 2115-2120/2016 (With Office Report)

C.A. No. 2121-2138/2016 (With Interim Relief)

C.A. No. 2140-2143/2016 (With Interim Relief and Office Report)

C.A. No. 2145/2016 (With Office Report)

C.A. No. 2146-2150/2016 (With Office Report)

C.A. No. 2152-2170/2016 (With Office Report)

C.A. No. 2190-2203/2016 (With Interim Relief)

C.A. No. 2206-2217/2016 (With Interim Relief and Office Report)

C.A. No. 2218-2223/2016 (With Office Report)

C.A. No. 2224-2232/2016 (With Office Report)

C.A. No. 2239-2255/2016 (With Interim Relief)

C.A. No. 2256-2265/2016 (With Interim Relief)

C.A. No. 2381-2397/2016 (With Interim Relief)
C.A. No. 2416-2431/2016 (With Interim Relief)
C.A. No. 1949-1966/2016 (With Interim Relief)
C.A. No. 1932-1948/2016 (With Interim Relief and Office Report)
C.A. No. 2266-2283/2016 (With Interim Relief)
C.A. No. 2332-2340/2016 (With Interim Relief and Office Report)
C.A. No. 2357-2359/2016 (With Interim Relief and Office Report)
C.A. No. 2322-2331/2016 (With Interim Relief and Office Report)
C.A. No. 2180-2189/2016 (With Interim Relief and Office Report)
C.A. No. 2341-2356/2016 (With Interim Relief and Office Report)
C.A. No. 2284-2299/2016 (With Interim Relief and Office Report)
C.A. No. 2364-2379/2016 (With Interim Relief and Office Report)
C.A. No. 2318-2321/2016 (With Interim Relief)
C.A. No. 2311/2016 (With Office Report)
C.A. No. 2313-2317/2016 (With Office Report)
C.A. No. 2100-2107/2016 (With Interim Relief and Office Report)

Date : 11/01/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For the parties

Mr. V.K. Bali, Sr. Adv.
Mr. Sanchar Anand, AAG
Mr. Aditya Soni, Adv.
Mr. Apoorv, Adv.
Mr. Kuldeep Singh, Adv.

Mr. Ashok Mathur, Adv.
Mr. R.S. Manhas, Adv.
Mr. Sonit Sinhmar, Adv.
Mr. Balbir Singh Gupta, Adv.

Ms. Nedhi Aggarwal, Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mr. Dinesh Verma, Adv.

Mr. Rajat Sharma, Adv.

Mr. Subhasish Bhowmick, Adv.

Mr. Shree Pal Singh, Adv.

Ms. Jyoti Mendiratta, Adv.

Mr. Dushyant Parashar, Adv.

Mr. Tripurari Ray, Adv.

Mr. B.S. Billowria, Adv.

Mr. Rajinder Singh, Adv.

Ms. Shilpa Singh, Adv.

Mr. O.P. Bhadani, Adv.

Mr. Jaswant Persoya, Adv.

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

C.A. NOS.2111-2113/2016, 2114/2016, 2145/2016, 2152-2170/2016,
2218-2223/2016 & 2224-2232/2016

The appeals are disposed of in terms of the signed judgment.

Pending application(s), if any, shall stand disposed of.

REST OF THE MATTERS (C.A. NO.1949-1966/2016 ETC.)

The appeals are allowed in terms of the signed judgment.

(NARENDRA PRASAD)
COURT MASTER

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Two separate Signed 'Non-Reportable' Judgments are placed on
the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2111-2113 OF 2016

HOSHIAR SINGH (D) THR. LRS & ORS. Appellant(s)

VERSUS

STATE OF PUNJAB & ORS. Respondent(s)

WITH

CIVIL APPEAL NOS. 2114 OF 2016

WITH

CIVIL APPEAL NOS. 2145 OF 2016

WITH

CIVIL APPEAL NOS. 2152-2170 OF 2016

WITH

CIVIL APPEAL NOS. 2218-2223 OF 2016

WITH

CIVIL APPEAL NOS. 2224-2232 OF 2016

J U D G M E N T

KURIAN, J.

1. Applications for intervention are rejected.
2. These appeals are filed by the claimants, aggrieved by the refusal on the part of the High Court to enhance the compensation in respect of their lands acquired for the purpose of construction of

Ranjit Sagar Dam. The Notification under Section 4(1) of the Land Acquisition Act, 1894 in these cases was issued in the year 1987. Looking at the nature of the land, the Land Acquisition Officer classified the land into eight categories. Reference Court enhanced the compensation at the following rates:-

Sr. No.	Type of Land	Amount (in Rs.)
1.	Abi Land	40,000/- per acre
2.	Barani Land	35,000/- per acre
3.	Gair mumkin banjar qadim	15,000/- per acre
4.	Gair mumkin village abadi	80,000/- per acre

3. Aggrieved, the appellants pursued the matter before the High Court. The High Court dismissed the appeals and thus, the appellants are before this Court.

4. The sheet anchor of the arguments advanced by the learned counsel for the appellants is that they had filed an application under Order XLI Rule 27 CPC producing the Awards/orders in the case of same nature of land acquired for the same purpose in the States of Jammu and Kashmir and Himanchal Pradesh. It is seen from the impugned Judgment that no separate orders are passed on those applications.

5. Be that as it may, there is a reference to the

argument in this regard in the penultimate paragraph of the Judgment, which is extracted below :-

"The contention of the learned counsel for the landowners that the landowners should be awarded same compensation, which has been awarded to the landowners of Jammu & Kashmir and Himachal Pradesh for their acquired land, is not sustainable, firstly because the price of the land situated in one State cannot be made basis for the determination of the compensation of the land situated in another State. Moreover, the circumstances under which the compensation was awarded to the landowners of Jammu & Kashmir and Himachal Pradesh are not on the record. So in my opinion, it was not be safe to place reliance thereupon to assess compensation for the acquired land."

6. We are afraid, the stand taken by the High Court cannot be justified. Unless the Court passes an order on the reception or otherwise on the additional evidence, the Court cannot hold that there was no evidence available on the circumstances under which the compensation was awarded.

7. We do not propose to deal with the merits of the matters since we propose to remand the matters to the High Court for consideration afresh after passing orders on the applications filed by the appellants under Order XLI Rule 27 CPC.

8. Accordingly, the impugned Judgments are set aside. The matters are remanded to the High Court for fresh consideration after passing orders on the applications filed by the appellants before the High Court under Order XLI Rule 27 CPC.

9. Being a Notification of 1987, we request the High Court to dispose of the appeals expeditiously and preferably within a period of four months.

10. In view of the above, the appeals are disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
January 11, 2017.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).1949-1966/2016

PUNJAB STATE & ORS.

APPELLANT (S)

VERSUS

USHA RANI ETC. ETC.

RESPONDENT (S)

WITH

C.A. NOS. 1969-1979/2016, C.A. NO. 1980/2016,
C.A. NOS. 2061-2081/2016, C.A. NOS. 2082-2099/2016,
C.A. NOS. 2115-2120/2016, C.A. NOS. 2121-2138/2016,
C.A. NO. 2140-2143/2016, C.A. NOS. 2146-2150/2016,
C.A. NOS. 2190-2203/2016, C.A. NOS. 2206-2217/2016,
C.A. NOS. 2239-2255/2016, C.A. NOS. 2256-2265/2016,
C.A. NOS. 2381-2397/2016, C.A. NOS. 2416-2431/2016,
C.A. NOS. 1932-1948/2016, C.A. NOS. 2266-2283/2016,
C.A. NOS. 2332-2340/2016, C.A. NOS. 2357-2359/2016,
C.A. NOS. 2322-2331/2016, C.A. NOS. 2180-2189/2016,
C.A. NOS. 2341-2356/2016, C.A. NOS. 2284-2299/2016,
C.A. NOS. 2364-2379/2016, C.A. NOS. 2318-2321/2016,
C.A. NO. 2311/2016, C.A. NOS. 2313-2317/2016,
C.A. NOS. 2100-2107/2016

J U D G M E N T

KURIAN, J.

All these appeals are filed by the State, aggrieved by the compensation awarded for the lands acquired for the purpose of construction of Ranjit

Sagar Dam Project vide Notification dated 07.08.1995 under Section 4(1) of the Land Acquisition Act, 1894. The Land Acquisition Collector categorized the lands into six categories and awarded compensation, according to the categorization based on the nature and utility of the land.

2. The Reference Court, however, granted a uniform rate of Rs.1,600/- per marla. Aggrieved, the State pursued the appeals before the High Court. The High Court took up the appeal filed against the award in Usha Rani's case as lead case. That appeal had been filed with a delay of 492 days. The High Court declined to condone the delay, though the Court has referred in detail to the affidavit explaining the delay. Without stopping there, the High Court proceeded further and on merits also it was held that the compensation awarded by the Reference Court @ Rs.1,600/- per marla was just, fair and proper. As far as the compensation part is concerned, we find that there is no discussion at all to the basis of the fixation of the compensation by the Reference Court, nor is there any reference to the materials available before the Reference Court for fixation of the compensation. Thus, the appeal by the State in Usha Rani case was dismissed, both on the grounds of

limitation and on merits. Hence, the State is in appeal before this Court.

3. Heard Mr. V.K. Bali, learned senior counsel appearing for the State and the learned counsel appearing for the claimants/respondents. On going through the detailed affidavit filed by the State for condonation of delay of 492 days, we are of the considered view that the High Court should have appreciated the actual reason for the delay. We do not want to deal with the matter any further. Suffice it to say, that the High Court could have given the liberty to the State to take appropriate action against the erring officers, who apparently have caused delay deliberately.

4. Be that as it may, on going through the detailed affidavit filed in support of the condonation of delay of 492 days, we are of the view that the delay is liable to be condoned in the interest of administration of justice. However, we direct the State Government to take appropriate action, in accordance with law, on the officers who caused delay.

5. On going through the merits of the case, as we have already stated above, there is no discussion by the High Court on any of the materials available on

record, so as to sustain the compensation of Rs.1,600/- per marla. For that reason also, these appeals are liable to be allowed by remanding the matters to the High Court for consideration on merits. Since, the case of Usha Rani is followed in all other cases, the rest of the appeals are also liable to be allowed, as above.

6. Accordingly, the impugned orders in all these appeals filed by the State are set aside and the appeals are allowed, as above. The delay in filing the appeal(s) before the High Court in the case of Usha Rani is condoned. The matters are remanded to the High Court with a direction to the High Court to consider the matters afresh on merits.

7. We make it clear that we have not considered any matter on merits and, therefore, the parties are free to take all available contentions before the High Court.

8. Being an acquisition pursuant to the notification issued in 1995, we request the High Court to dispose of the appeals expeditiously and preferably within a period of six months.

9. Till the appeals are disposed of, as above, there shall be no recovery of compensation, if any, already paid to the claimants.

10. There shall be no order as to costs.

11. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
JANUARY 11, 2017.