

ITEM NO.119

COURT NO.7

SECTION XIV

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. 7816/2011

RAM PHAL(D) TH. LRS.

APPELLANT(S)

VERSUS

UNION OF INDIA

RESPONDENT(S)

Date : 11/02/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s)

Mr. Shashindra Tripathi, Adv.
Mr. Debasis Misra, Adv.

For Respondent(s)

Mr. R.K. Rathore, Adv.
Ms. Rekha Pandey, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Ms. S.P. Mishra, Adv.
Mr. Rishabh Jain, Adv.
Mr. D.S. Mahra, Adv.
Mrs. Anil Katiyar, Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeal is dismissed in terms of the signed
order.[VINOD LAKHINA]
COURT MASTER[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 7816/2011

RAM PHAL (D) TH. LRS. . . . APPELLANT (S)

VERSUS

UNION OF INDIA RESPONDENT

ORDER

1. The appellant who was granted compensation at the rate of Rs.480/- per bigha was awarded compensation at the rate of Rs.2,500/- per bigha by the Reference Court. The award of the Reference Court was passed on a concession made by the appellant's counsel to the effect that the appellant would be satisfied if the compensation is enhanced to Rs.2,500/- per bigha.

2. Be that as it may, the appellant chose to seek further enhancement of compensation by filing an appeal under Section 54 of the Land Acquisition Act, 1894 before the High Court. The said appeal was dismissed by the High Court by the impugned order. Aggrieved, this appeal has been filed.

3. Reading the order of the High Court it appears that the claim for higher compensation made by the appellant was based on the award in L.A.C. No. 2 of 1996 (Amro Devi Vs. Union of India) decided on 23rd December, 1997 wherein compensation at the rate of Rs.5,000/- per bigha was awarded. The High Court took note of the fact that the land involved in L.A.C. No.2 of 1996 and the case of the appellant were different and were situated adjoining villages and further that there was no

evidence on record showing equivalence of the land in the two villages in question.

4. Learned counsel for the appellants has not been able to place before the Court any material whatsoever to show that the claim of parity so far as the compensation amount is concerned is based on the equivalence of the two areas of land involved. Learned counsel, however, has relied on a judgment rendered by the Reference Court in the case of Bhabhuti Singh & Others Versus Union of India and Anr. wherein the land is situated in the same village as that of the appellant. In the said case, compensation was awarded at Rs.6,200/- per bigha. We have perused the judgment dated 6th May, 1998 passed in the aforesaid case [i.e. L.A.C. No.26/1994 (Bhabhuti Singh & Others Versus Union of India and Anr.)]. It appears from a

perusal of the said judgment that the basis of grant of compensation in the said case was the award passed in L.A.C. No.2 of 1996. The question of equivalence of the land which ought to have been gone into by the Reference Court was not decided in the said case.

5. In the light of the above materials, we cannot accede to the prayer made in the appeal for enhancement of compensation. The appeal, therefore, has to fail. It is accordingly dismissed.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
FEBRUARY 11, 2016