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ITEM NO.119

COURT NO.7

SECTION XIV

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

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 R

The appeal is dismissed in terms of the signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

Signature Not Verified

[SIGNED ORDER IS PLACED ON THE FILE]

Digitally signed by
Vinod Lakhina
Date: 2016.02.16
10:12:04 IST
Reason:

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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.

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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
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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
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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