

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.534 OF 2013

RAM PHAL & ORS.

APPELLANTS

VERSUS

STATE OF HARYANA & ORS.

RESPONDENTS

O R D E R

1. This civil appeal is directed against the judgment dated 20.09.2010 passed by the High Court of Punjab and Haryana at Chandigarh, whereby compensation for the acquired land of the appellants was increased from Rs.125/- per sq. yard to Rs.250/- per sq. yard. The appellants in this appeal seek further enhancement of the compensation they received for their land.

2. The State of Haryana issued a notification under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") on 06.05.1992 for acquisition of 84.20 acres land of village Patti Musalman, Tehsil & District Sonipat (Haryana). The initial proposal was for the land to be developed as a residential and commercial area. After issuing the notification under Section 6 of the Act on 05.05.1993, the Land Acquisition Collector passed

an award on 17.11.1994 and assessed the market value of the acquired land as being Rs.3,75,000/- per acre. Upon a reference being preferred under Section 18 of the Act, the Reference Court vide award dated 20.09.2000 enhanced the compensation to Rs.125/- per sq. yard.

3. The dissatisfied land owners approached the High Court and a batch of appeals was decided conjunctively by a learned Single Judge via the impugned judgment dated 20.09.2010, whereby compensation was enhanced from Rs.125 per sq. yard to Rs.250 per sq. yard.

4. It appears that after grant of leave in this appeal on 14.01.2013, some of the Special Leave Petitions, preferred by similarly placed land owners, whose lands were also acquired through the same acquisition process, were dismissed by this Court on 23.03.2015. It further appears that the parties did not bring to the notice of this Court that leave had already been granted in the initial appeal against the same judgment.

5. Regardless of these omissions, we have proceeded to hear learned counsel for the appellants as well as learned State counsel, and perused the record.

6. It emerges out that the land in the appellants' village i.e. Patti Musalman, was acquired earlier by State of Haryana vide notification dated 17.05.1990. The question of determination of fair and just market value of the said acquired land reached upto this Court in Civil Appeal No.3677 of 2010 (Udho Dass vs. State of

Haryana & Ors.) reported in (2010) 8 SCR 900. This Court in that decision granted compensation at the rate of Rs.225/- per sq. yard.

7. The High Court while passing the impugned judgment took notice of the decision of this Court in Udho Dass case (supra). Thereafter, the High Court held the appellants entitled to 15% annual increase in the value of the land that was acquired from them after keeping in view the pace of development in the National Capital Region. The High Court, consequently, assessed the compensation at the rate of Rs.250/- per sq. yard. In addition, the High Court also took notice of a sale deed (Ext.P6), which pertains to a small piece of land measuring 2 biswas, whereby similarly placed land was sold at the average price of Rs.220 per sq. yard. The High Court further viewed that even if a 12% per annum increase is added, the market value of the said sale instance would come to Rs.378/- per sq. yard. However, given the fact that a reasonable cut had to be applied, the rate of Rs.250/- per sq. yard was deemed by the High Court to be satisfactory and not less than the fair market value of the acquired land. The High Court also relied upon the example of the adjoining village of Jamalpur Kalan, where compensation of Rs.250/- per sq. yard was awarded in respect of the land acquired there vide notification dated 06.05.1992 i.e., the same date when Section 4 notification was issued in the present

case for the land in Patti Musalman.

8. Learned counsel for the appellants heavily relied upon various sale instances, which have been referred to by the Reference Court in paragraph 18 of its award dated 20.09.2000. These sale instances pertain to small pieces of land and from the size of those plots, it appears that they were clearly not meant to be utilized for residential purposes, whereas the public purpose of the acquired land in this case is predominantly to develop a residential area dubbed "Sector 15" in the urban parts of Sonipat. Those sale instances have, thus, been correctly ignored by the Reference Court as well as the High Court, more so keeping in view the judgment of this Court in Udho Dass case (supra), which pertains to acquisition of land in the same village of Patti Musalman in the year 1990. Since the acquisition in this case was two years after in the year 1992, the High Court has fairly and logically added an increase in value at the rate of 15% per annum.

9. Sale deeds produced from both sides are not appropriate to rely upon, and the only material evidence on record remains the judgment of this Court in Udho Dass case (supra), or the determination of compensation of Rs.250/- per sq. yard that was arrived at in respect of the adjoining village of Jamalpur Kalan, where the acquisition process is also of the same date and for the same public purpose.

10. Keeping these factors in view, it appears to us that there is no scope for further enhancement of compensation as correctly concluded by the High Court. Consequently, we do not find any merit in this appeal. The same is, accordingly, dismissed.

11. Pending applications including the application for impleadment is disposed of.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

New Delhi;
July 12, 2023

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).534/2013

RAM PHAL & ORS.

Appellant(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(IA No.139434/2017 - EXEMPTION FROM FILING O.T., IA No.139433/2017
- INTERVENTION/IMPLEADMENT)

Date : 12-07-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s) Dr. Nirmal Chopra, AOR

For Respondent(s) Dr. Monika Gusain, AOR

Mr. Bhoopesh Pandey, Adv.
Mr. Vivek Tiwari, Adv.
Ms. Priyanka Dubey, Adv.
Ms. Archana Pandey, Adv.
Dr. Vinod Kumar Tewari, AORUPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending applications including the application for impleadment
are disposed of.(ARJUN BISHT)
COURT MASTER (SH)(PREETHI T.C.)
COURT MASTER (NSH)

(signed order is placed on the file)