

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.6127-6132 OF 2010

KARAM SINGH(D) BY LRS.

... APPELLANTS

Versus

STATE OF PUNJAB

... RESPONDENT

WITH

C.A. No.6133/2010

C.A. No.6134/2010

O R D E R

1. These three appeals are directed against a common judgment dated 05.11.2009 passed by the High Court of Punjab and Haryana at Chandigarh whereby a batch of First Appeals, seeking enhancement of compensation of the land of village Jagatpura, Tehsil Kharar, District Ropar (Now SAS Nagar) acquired by the State of Punjab, have been dismissed and the compensation as awarded by the Reference Court at the rate of Rs.6,96,000/- per acre has been maintained.

2. The State of Punjab issued a Notification on 07.06.1993, under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'), proposing to acquire land measuring 140.18 acres comprising revenue estate of different villages in the area of Tehsil Kharar, District Rup Nagar. The land was proposed to be acquired for the public purpose, namely, to set up a Residential Urban Estate. Thereafter, The State Government issued a Notification dated 03.01.1994, under Section 6 of the Act, followed by an Award No.456 dated 20.02.1996 of the Land Acquisition Collector, granting compensation at the rate of Rs.3,85,000/- per acre for the level

land and Rs.2,00,000/- per acre for Gair Mumkin river and ravines. The dissatisfied land owners preferred References under Section 18 of the Act and the Reference Court vide an Award dated 18.07.2001, assessed the market value of the land at the rate of Rs.6,96,000/- per acre for level land and Rs.3,60,000/- per acre for the land under Choe, river and ravines.

3. The land owners were still dissatisfied with the amount of compensation, hence, they preferred Regular First Appeals before the High Court.

4. It may be mentioned that the land of village Kambli was also acquired through the same acquisition process, and the land owners of the said village too had approached the High Court through Regular First Appeals for enhancement of compensation. Their appeals as well as the cross appeals, filed by the State of Punjab, were dismissed by the High Court on 02.03.2000 in the case of Bachan Singh & others v. State of Punjab and another, maintaining the compensation awarded by the Reference Court at the rate of Rs.6,96,000/- per acre for level land and Rs.3,60,000/- per acre for the other lands.

5. When the first appeals in respect of the land of village Jagatpura came up for hearing, the High Court placed reliance on the previous judgment dated 02.03.2000, rendered in the case of village Kambli and consequently dismissed the appellants' appeal by observing as under:

"In State of Punjab and another v. Bachan Singh and others (RFA No.774 of 1999) and Bachan Singh & others v. State of Punjab and another (RFA No.1942 of 1998) both decided on 2.3.2000, the appeals, arising out of the same notification filed by the land owners as well as by the

State against the determination of the market value by the Reference Court, were taken up for hearing. This Court has maintained the determination of the market value by the Reference Court and dismissed the appeals filed by the land owners as well as by the State.

For the reasons recorded in Bachan Singh's case (supra), the present appeals, arising out of the same notification and Award of the Land Acquisition Collector, are also dismissed."

6. We have heard learned counsel for the parties and carefully perused the material placed on record.

7. Two-fold contentions have been raised on behalf of the appellants. Firstly, it is asserted that the land of village Jagatpura was better located for development of a residential urban estate than the land of village Kampli. Reliance is placed in this regard on the site plan of land for village Jagatpura & Mauja Jhumru (Annexure P-7), annexed with the paperbook, to contend that the village Jagatpura abuts the Union Territory of Chandigarh whereas village Kampli is towards the southern side of village Jagatpura. The second plea is that the land of some villages of Union Territory of Chandigarh was also acquired in the year 1991 for an identical public purpose. Except that there is a geographical boundary demarcating the land of Union Territory of Chandigarh on one side and the State of Punjab, on the other side, the land of the appellants is similar to the villages of Union Territory of Chandigarh where the High Court while deciding a bunch of First Appeals in the case of Som Nath & Others vs. Union Territory Chandigarh (R.F.A.No.2326 of 1998), decided on September 3, 2008, had granted compensation at the rate of Rs.9,85,000/- per acre with 10% annual increase for a period of three years and two

months. It is urged on this premise that the land of the appellants carry the same potentiality and utility as that of village Mauja Jhumru (which is now part of Sectors 48 and 49 of Chandigarh), and hence the appellants are also entitled to compensation at the rate of Rs.9,85,000/- per acre.

8. On the other hand, learned counsel appearing on behalf of the respondent - State vehemently opposed the appellants' claim as according to her, there is a qualitative difference between two sets of land, which are incomparable, and no better exemplar having been produced by the appellants, the High Court has rightly followed its previous decision in Bachan Singh's case(supra), which had arisen out of the same acquisition process.

9. Having considered the rival submissions made by the learned counsel for the parties and on careful perusal of the Site Plan (Annexure P-7) as well as cited decisions of the High Court in the related matters, it may be seen that the land of village Jagatpura is admittedly abutting the Union Territory of Chandigarh and it being located on the north side, has an edge over the land of village Kampli in terms of potentiality and utility for the purpose of regulated development of an Urban Estate. Similarly, going further towards north, the land which falls within the Union Territory of Chandigarh undoubtedly has better potentiality and utility than the land of the appellants in village Jagatpura.

10. In this view of the matter, while the appellants cannot claim the same compensation as has been awarded for the land of village Mauja Jhumru (UT Chandigarh), they are certainly entitled to compensation at a slightly higher rate than the land of village

Kambli. There is no sale instance or Award etc. to guide the exact amount of compensation to which the appellants might be entitled to. Hence, determining the market value of the appellants' land requires some guesswork.

11. Taking into consideration all the relevant factors, we are satisfied that the appellants deserve to be awarded compensation at the rate of Rs.8,00,000/- per acre for the level land. As regards to the land which falls in the category of Choe, river and ravines, the compensation is increased to Rs.4,50,000/- per acre. Ordered accordingly.

12. The appellants shall be entitled to solatium and additional compensation considering the enhancement as granted above. They shall also be entitled to the statutory interest which the Reference Court has already granted.

13. The appeals stand allowed in part in the above terms.

14. The Reference Court at SAS Nagar, Mohali shall re-determine the exact amount of compensation payable to the appellants within two months, and on doing so, the State of Punjab or its authorities is/are directed to deposit the same with the Reference Court within two months thereafter for further disbursement to the appellants.

.....J.
(SURYA KANT)

.....J.
(ARAVIND KUMAR)

NEW DELHI;
FEBRUARY 23, 2023.

ITEM NO.101

COURT NO.9

SECTION IV

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 SCivil Appeal No(s).6127-6132/2010

KARAM SINGH(D) BY LRS.

Appellant(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

WITH

C.A. No. 6133/2010 (IV)C.A. No. 6134/2010 (IV)

Date : 23-02-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ARAVIND KUMARFor Appellant(s) Mr. Vivek Sharma, Adv.
Mr. P.B. Suresh, Adv.
Mr. Vipin Nair, AORFor Respondent(s) Ms. C. K. Sucharita, AOR
Mr. Abhishth Kumar, AORUPON hearing the counsel the Court made the following
O R D E RThe appeals stand allowed in part in terms of the signed
order.(SATISH KUMAR YADAV)
DEPUTY REGISTRAR(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)