

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5840-5841 OF 2012

CHANDERPAL & ORS

...APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO.5843 OF 2012

CIVIL APPEAL NO.5842 OF 2012

CIVIL APPEAL NO.5717 OF 2012

CIVIL APPEAL NO.7375 OF 2012

O R D E R

C.A. Nos.5840-5841, 5843, 5842 and 7375 of 2012

1. At the time of hearing of these Civil Appeals, the learned counsel appearing for the appellants- herein would bring to the notice of this Court that the facts, as noticed by the High Court while deciding these matters, may not represent the correct

Signature Not Verified

Digitally signed by
NEETU KHAJURIA
Date: 2015.09.24
18:07:39 IST
Reason:

2

factual situation. In support of their contention they have placed before us, various documents, maps, awards, etc.

2. In our considered opinion, these facts, as also the maps and relevant documents, may be first brought to the notice of the High Court by the appellant(s)- herein by filing appropriate review petition(s) before the High Court.

3. Accordingly, in the peculiar facts and circumstances of these cases, we permit the learned counsel appearing for the appellant to approach the learned Single Judge of the High Court by filing appropriate review petition(s) bringing to his notice the additional documents as also the maps, awards, if any, which are in their possession, within thirty days' time from today.

4. If such review petition(s) is/are filed within the time granted by this Court, we request the

3

learned Single Judge to consider the same in accordance with law, without going into the question of limitation.

5. All contentions of the parties are kept open to be agitated before the learned Single Judge.

6. In view of the above, these Civil Appeals are disposed of.

Ordered accordingly.

CIVIL APPEAL No.5717 of 2012

1. This appeal is directed against the common judgment and order passed by the High Court of Delhi in L.A. Appl. No.622 of 2008, dated 07.06.2011 and other connected matters, whereby the High Court has partly allowed the appeal and modified the compensation awarded by the Reference Court.

2. Briefly stated, the facts in the present appeal are: the lis pertains to the determination of fair

4

market value of lands admeasuring 1536 bigha 10 biswa

in village Garhi Mendu, belonging to the claimants/respondents herein. The said land was acquired under Section 11 of the Land Acquisition Act, 1894 (for short, "the Act"), by the appellant herein for the public purpose of planned development of Delhi.

3. The said land, along with land in three other villages, namely Khirzahad, Kilolari and Chak Chilla, was notified by the Government vide Notification No.F.9(1)/89-L&B(i) issued under Section 4(1) of the Act, dated 23.06.1989. The same was followed by Notification No.F.9(I)/89-L&B/LA(ii)&(iii) issued under Sections 6 and 17(i) of the Act, dated 20.06.1990. In pursuance of the said Notifications, notices under Sections 9 and 10 of the Act were issued to all interested persons.

4. The Land Acquisition Collector (for short, "the LAC"), took into consideration, Order No.F-9(20)/80-
5

L&B/4313-16, issued by the Delhi Administration regarding fixation of minimum price of agricultural land by the LAC, dated 03.05.1990. In light of the aforesaid policy of the State administration the LAC vide Award No.13/1992-93, determined the compensation to be awarded at the rate of Rs.27,344/- per bigha along with statutory benefits, dated 19.06.1992.

5. Dissatisfied with the award of the LAC, the respondents-herein sought for a reference under Section 18 of the Act for adjudication of the fair market value. It was argued by the claimants that the LAC did not consider, inter alia, the potential value of the land, that the revenue estate of the village in which the land was situated was surrounded by posh

colonies developed by the Delhi Development Authority and other private colonies, and that all basic civic amenities were available to the land.

6. The Reference Court, while considering the contentions raised by the parties to the lis, took

6

notice of the award of the LAC with regard to land situate in villages Khirzabad, Kilokari and Chak Chilla, dated 19.06.1992, whereby the LAC had awarded compensation at the rate of Rs.27,344/- per bigha along with statutory benefits. The Reference Court noticed that in some other cases where a reference being sought against the said award, an amount of Rs.89,600/- per bigha was awarded taking into consideration the location, potentiality, nature and topography of the said lands.

7. Therefore, by a detailed order, the Reference Court came to the conclusion that the rate of compensation assessed by the LAC was not appropriate. The Reference Court concluded, inter alia, that in the present matter, the LAC merely applied the rates on the basis of the policy of the Delhi Administration while assessing the compensation to be awarded to the claimants. It was further observed that there was no evidence led by the appellant

7

herein to show that the land in question was distinguishable from the lands similarly situated in villages Khirzabad, Kilokari and Chak Chilla, which were acquired by the same notification dated 22.06.1989, and for the same purpose. In light of the above, the Reference Court enhanced the market value

of the acquired land in village Garhi Mendu to Rs.90,102/- per bigha, vide order dated 04.05.2007.

8. Aggrieved by the order so passed by the Reference Court, the parties approached the High Court of Delhi. The learned Single Judge observed that the land in village Garhi Mendu was on the eastern bank of the river Yamuna, while the land in the villages Kilokari and Khizrabad was on the western bank of the river. The learned Single Judge was of the view that the said villages were similarly situated and therefore the compensation could not be different. Therefore, relying on the decision of the High Court with regard to villages Khizrabad,

8

Kilokari and Nangli Rajapur, whereby the Court upheld the fair market value of the land in the said villages at the rate of Rs.89,600/- per bigha, the High Court partly allowed the appeal filed by the appellant and reduced the compensation awarded by the Reference Court from Rs.90,102/- per bigha to Rs.89,600/- per bigha, vide order dated 07.06.2011.

9. The appellant-herein, being aggrieved by the impugned order, is before us in this appeal.

10. We have heard the learned counsel for the parties to the lis.

11. After going through the judgments and orders passed by the Courts below as also the material available on record, we are of the considered opinion that the High Court has not done any error whatsoever, while passing the impugned judgment and order, which would call for our interference. The appeal being devoid of any merit is liable to be

For Respondent(s) Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.
For M/s Saharya & Co.

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

C.A. Nos.5840-5841, 5843, 5842 and 7375 of 2012

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

C.A. No.5717 of 2012

The appeal is dismissed in terms of the signed order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)