

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3039 OF 2014  
(@ SPECIAL LEAVE PETITION (C)NO.31203 OF 2009)

HARYANA STATE INDUSTRIAL  
DEVELOPMENT CORPORATION LTD.

..APPELLANT(S)

VERSUS

VIJAY JYOTI HOUSING PRIVATE  
LIMITED AND ORS.

..RESPONDENT(S)

WITH

C.A.NO.	3040	of	2014	@	S.L.P.(C)NO.31290	of	2009
C.A.NO.	3041	of	2014	@	S.L.P.(C)NO.31295	of	2009
C.A.NO.	3042	of	2014	@	S.L.P.(C)NO.31297	of	2009
C.A.NO.	3043	of	2014	@	S.L.P.(C)NO.31298	of	2009
C.A.NO.	3044	of	2014	@	S.L.P.(C)NO.31309	of	2009
C.A.NO.	3045	of	2014	@	S.L.P.(C)NO.31314	of	2009
C.A.NO.	3046	of	2014	@	S.L.P.(C)NO.31323	of	2009
C.A.NO.	3047	of	2014	@	S.L.P.(C)NO.31360	of	2009
C.A.NO.	3048	of	2014	@	S.L.P.(C)NO.31364	of	2009
C.A.NO.	3049	of	2014	@	S.L.P.(C)NO.31365	of	2009
C.A.NO.	3050	of	2014	@	S.L.P.(C)NO.31366	of	2009
C.A.NO.	3051	of	2014	@	S.L.P.(C)NO.31417	of	2009
C.A.NO.	3052	of	2014	@	S.L.P.(C)NO.31419	of	2009
C.A.NO.	3053	of	2014	@	S.L.P.(C)NO.31466	of	2009
C.A.NO.	3054	of	2014	@	S.L.P.(C)NO.31470	of	2009
C.A.NO.	3055	of	2014	@	S.L.P.(C)NO.31472	of	2009
C.A.NO.	3056	of	2014	@	S.L.P.(C)NO.31811	of	2009
C.A.NO.	3057	of	2014	@	S.L.P.(C)NO.31832	of	2009
C.A.NO.	3058	of	2014	@	S.L.P.(C)NO.31835	of	2009
C.A.NO.	3059	of	2014	@	S.L.P.(C)NO.31877	of	2009
C.A.NO.	3060	of	2014	@	S.L.P.(C)NO.32043	of	2009
C.A.NO.	3061	of	2014	@	S.L.P.(C)NO.32050	of	2009
C.A.NO.	3062	of	2014	@	S.L.P.(C)NO.32051	of	2009
C.A.NO.	3063	of	2014	@	S.L.P.(C)NO.32055	of	2009
C.A.NO.	3064	of	2014	@	S.L.P.(C)NO.32056	of	2009
C.A.NO.	3065	of	2014	@	S.L.P.(C)NO.32057	of	2009
C.A.NO.	3066	of	2014	@	S.L.P.(C)NO.32060	of	2009
C.A.NO.	3067	of	2014	@	S.L.P.(C)NO.32068	of	2009
C.A.NO.	3068	of	2014	@	S.L.P.(C)NO.32071	of	2009
C.A.NO.	3069	of	2014	@	S.L.P.(C)NO.32072	of	2009
C.A.NO.	3070	of	2014	@	S.L.P.(C)NO.32073	of	2009

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C.A.NO.	3071	of	2014	@	S.L.P.(C)NO.32075	of	2009
C.A.NO.	3072	of	2014	@	S.L.P.(C)NO.32080	of	2009
C.A.NO.	3073	of	2014	@	S.L.P.(C)NO.32104	of	2009
C.A.NO.	3074	of	2014	@	S.L.P.(C)NO.32107	of	2009
C.A.NO.	3075	of	2014	@	S.L.P.(C)NO.32114	of	2009
C.A.NO.	3076	of	2014	@	S.L.P.(C)NO.32119	of	2009
C.A.NO.	3077	of	2014	@	S.L.P.(C)NO.32129	of	2009
C.A.NO.	3078	of	2014	@	S.L.P.(C)NO.32130	of	2009
C.A.NO.	3079	of	2014	@	S.L.P.(C)NO.32134	of	2009
C.A.NO.	3080	of	2014	@	S.L.P.(C)NO.32135	of	2009
C.A.NO.	3081	of	2014	@	S.L.P.(C)NO.32137	of	2009
C.A.NO.	3082	of	2014	@	S.L.P.(C)NO.32138	of	2009
C.A.NO.	3083	of	2014	@	S.L.P.(C)NO.32152	of	2009

C.A.NO. 3084 of 2014 @ S.L.P.(C)NO.32163 of 2009  
C.A.NO. 3085 of 2014 @ S.L.P.(C)NO.32183 of 2009  
C.A.NO. 3086 of 2014 @ S.L.P.(C)NO.32187 of 2009  
C.A.NO. 3087 of 2014 @ S.L.P.(C)NO.32191 of 2009  
C.A.NO. 3088 of 2014 @ S.L.P.(C)NO.32231 of 2009  
C.A.NO. 3089 of 2014 @ S.L.P.(C)NO.32237 of 2009  
C.A.NO. 3090 of 2014 @ S.L.P.(C)NO.32244 of 2009  
C.A.NO. 3091 of 2014 @ S.L.P.(C)NO.32247 of 2009  
C.A.NO. 3092 of 2014 @ S.L.P.(C)NO.32251 of 2009  
C.A.NO. 3093 of 2014 @ S.L.P.(C)NO.32252 of 2009  
C.A.NO. 3094 of 2014 @ S.L.P.(C)NO.32694 of 2009  
C.A.NO. 3095 of 2014 @ S.L.P.(C)NO.32696 of 2009  
C.A.NO. 3096 of 2014 @ S.L.P.(C)NO.32758 of 2009  
C.A.NO. 3097 of 2014 @ S.L.P.(C)NO.32792 of 2009  
C.A.NO. 3098 of 2014 @ S.L.P.(C)NO.32805 of 2009  
C.A.NO. 3099 of 2014 @ S.L.P.(C)NO.2650 of 2010  
C.A.NO. 3100 of 2014 @ S.L.P.(C)NO.2673 of 2010  
C.A.NO. 3101 of 2014 @ S.L.P.(C)NO.15549 of 2010

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C.A.NO. 3102 of 2014 @ S.L.P.(C)NO.17271 of 2010  
C.A.NO. 3103 of 2014 @ S.L.P.(C)NO.26305 of 2010  
C.A.NO. 3104 of 2014 @ S.L.P.(C)NO.3388 of 2011  
C.A.NO. 3105 of 2014 @ S.L.P.(C)NO.3488 of 2011  
C.A.NO. 3106 of 2014 @ S.L.P.(C)NO.3489 of 2011  
C.A.NO. 3107 of 2014 @ S.L.P.(C)NO.3805 of 2011  
C.A.NO. 3108 of 2014 @ S.L.P.(C)NO.6961 of 2011  
C.A.NO. 3109 of 2014 @ S.L.P.(C)NO.6960 of 2011  
C.A.NOS.3110-3122 of 2014 @ S.L.P.(C)NOS.9790-9802 of 2011  
C.A.NO. 3123 of 2014 @ S.L.P.(C)NO.16563 of 2010  
C.A.NO. 3124 of 2014 @ S.L.P.(C)NO.26800 of 2011  
C.A.NO. 3129 of 2014 @ S.L.P.(C)NO.27587 of 2009  
C.A.NO. 3130 of 2014 @ S.L.P.(C)NO.32263/2009  
C.A.NO. 3131 of 2014 @ S.L.P.(C)NO.32374/2009  
C.A.NO. 3132 of 2014 @ S.L.P.(C)NO.32647/2009  
C.A.NO. 3133 of 2014 @ S.L.P.(C)NO.32648/2009  
C.A.NO. 3134 of 2014 @ S.L.P.(C)NO.3241 of 2010  
C.A.NO. 3135 of 2014 @ S.L.P.(C)NO.2647 of 2010  
C.A.NOS.3136 of 2014 @ S.L.P.(C)NOS.2845 of 2010  
C.A.NO. 3137 of 2014 @ S.L.P.(C)NO.18812 of 2010  
C.A.NO. 3138 of 2014 @ S.L.P.(C)NO.24877 of 2010  
C.A.NO. 3139 of 2014 @ S.L.P.(C)NO.24901 of 2010  
C.A.NO. 3140 of 2014 @ S.L.P.(C)NO.24879 of 2010  
C.A.NO. 3141 of 2014 @ S.L.P.(C)NO.23302 of 2010  
C.A.NO. 3142 of 2014 @ S.L.P.(C)NO.24902 of 2010  
C.A.NO. 3143 of 2014 @ S.L.P.(C)NO.25015 of 2010  
C.A.NO. 3144 of 2014 @ S.L.P.(C)NO.20027 of 2010  
C.A.NOS.3145-3146 of 2014 @ S.L.P.(C)NOS.29193-29194 of 2010  
C.A.NOS.3125-3126 of 2014 @ S.L.P.(C)NOS.6211-6212 of 2011  
C.A.NO. 3127 of 2014 @ S.L.P.(C)NO.4083 of 2012  
AND WITH C.A.NO.3128 of 2014 @ S.L.P.(C)No.5783 of 2010

O R D E R

1. Delay, if any, in filing the application(s) for substitution, is condoned.
2. Application(s) for substitution, if any, is/are allowed.
3. Delay condoned.
4. Leave granted.

5. This batch of appeals is directed against the judgment(s) and order(s) passed by the High Court of Judicature of Punjab and Haryana at Chandigarh in Regular First Appeal No.4658 of 2001 etc. etc., dated 03.07.2009.

6. The facts in brief are:-

The Petitioner - Haryana State Industrial Development Corporation Limited (For short "the Corporation") is a Public Limited Company, wholly owned by the Government of Haryana, established for the purpose of promoting economic growth in the State of Haryana. The State of Haryana issued a notification vide Notification No.32/7/92-41 B-II, dated 19.06.1992 under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') that land admeasuring 745 kanals 10 marlas was required on public expense for development and utilisation of land as an industrial estate in village Kundli, District Sonapat, Haryana.

7. Subsequently, after considering the objections that were filed by the land owners/ losers, the Government has issued a declaration under Section 6 of the Act, dated 17.6.1993, that the land measuring 705 kanals and 2 marlas is required for the aforesaid public purpose.

8. The Land Acquisition Officer/Collector classified the land under acquisition as Chahi (681 kanals and 11 marlas), Banjar Kadim (14 marlas) and Gair Mumkin (17 marlas) totaling to 705 kanals and 2 marlas and thereafter issued notices under Section 9 of the Act for acquisition of the said land.

9. The land owners/losers, in response to the notices issued claimed compensation ranging from Rs.1,000/- to Rs.1,200/- per square yard.

10. The Land Acquisition Officer/Collector, after taking into consideration the location and potentiality of the land in question,

fixed the rate at Rs.1,50,000/- per acre for Chahi/Nehri land, Rs.1,00,000/- per acre for Barani/Rasoli land, Rs.80,000/- per acre for Banjar land and Rs.150/- per square yard for plots and accordingly had passed the award.

11. Aggrieved by the award so passed by the Land Acquisition Collector, the land owners/ losers sought reference under Section 18 of the Act for determination of the market value as the land in question was situated in the revenue estate of village-Kundli, District Sonapat which is situated at the vicinity of National Highway No.1 and also on the ground that the said land was fertile having a high potential value.

12. The Reference Court by its order dated 15.06.2001 enhanced the compensation of the acquired land at the rate of Rs.2,00,000/- per acre for Chahi/Nehri, Rs.1,30,000/- per acre for Barani land and Rs.1,00,000/- per acre for Banjar Kadim land and Rs.200/- per square yard for plots.

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13. Aggrieved by the same, the land owners/ losers preferred Regular First Appeals before the High Court. The High Court, by the impugned judgment and order dated 03.07.2009 accepted the contention of the land owners/ losers and came to a finding that taking the average sale market value of Rs.124/- per square yard as just and fair estimation and after imposing deduction for development charges concluded that the market value of the acquired land be fixed at Rs.79/- per square yard which comes to Rs.3,82,360/- per acre. The High Court treated the whole of the acquired land as one block carrying the same market value. The land owners/losers were further granted solatium at the rate of 30 per cent on the compensation amount under Section 123(2) of the Act and additional amount of 12 percent per annum on the assessed compensation, besides statutory interest.

14. Aggrieved by the same, the appellant/Corporation is before us



WITH

SLP(C) NO.31290/2009,31295/2009,  
31297/2009,31298/2009, 31309/2009,31314/2009,  
31323/2009,31360/2009,31364/2009, 31365/2009,  
31366/2009,31417/2009,31419/2009,31466/2009,  
31470/2009,31472/2009,31811/2009,31832/2009,  
31835/2009, 31877/2009,32043/2009,32050/2009,  
32051/2009,32055/2009, 32056/2009,32057/2009,  
32060/2009,32068/2009,32071/2009, 32072/2009,  
32073/2009,32075/2009,32080/2009,32104/2009,  
32107/2009,32114/2009,32119/2009,32129/2009,  
32130/2009, 32134/2009,32135/2009,32137/2009,  
32138/2009,32152/2009, 32163/2009,32183/2009,  
32187/2009,32191/2009,32231/2009, 32237/2009,  
32244/2009,32247/2009,32251/2009,32252/2009,  
32263/2009,32374/2009,32647/2009,32648/2009,  
32694/2009, 32696/2009,32758/2009,32792/2009,  
32805/2009,2650/2010,2673/2010,  
15549/2010, 17271/2010, 26305/2010, 3388/2011,  
3488/2011,3489/2011, 3805/2011,6961/2011,  
6960/2011, 9790-9802/2011,16563/2010,26800/2011,

MATTERS FILED BY INDIVIDUALS

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SLP(C)No.27587/2009 VIJAY JYOTI HNG.P.LTD.

Vs. STATE OF HARYANA & ORS.

(WITH OFFICE REPORT)

3241/2010,2647/2010,2845/2010,18812/2010,  
24877/2010,24901/2010,24879/2010,23302/2010,

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24902/2010,25015/2010,20027/2010,29193-29194/2010,  
6211-6212/2011,4083/2012,5783/2010

Date: 26/02/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr.Amarendra Sharan, Sr.Adv.  
(Authority) Mr. Ravindra Bana,Adv.

For individuals Mr.Vikas Mehta, Adv.  
Mr.Amjit Maqbool, Adv.  
  
Mr. Manoj C Mishra, Adv.  
  
Mr. Ramesh Chandra Mishra, Adv.  
  
Mr. Rishi Malhotra, Adv.  
  
Mr. Daya Krishan Sharma, Adv.  
Mr.Abhishek Jhamb, Adv.  
  
Mr.Manjit Singh, AAG  
Ms.Nupur Chaudhary, Adv.  
For Mr. Kamal Mohan Gupta, Adv.  
  
Mr.Tavinder Sidhu, Adv.  
Ms.Pallavi Mohan, Adv.  
Ms.Gunjan Jain, Adv.  
Mr.Ganesh Kamath, Adv.  
For M/s M.V. Kini & Associates, Advs.

Mr.Vivek Sharma, Adv.  
For M/s Temple Law firm, Adv.

Dr. Kailash chand, Adv.

Ms. Hetu Arora Sethi, Adv

Mr. Balaji Srinivasan, Adv.

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

Delay, if any, in filing the application(s) for  
substitution, is condoned.

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Application(s) for substitution, if any, is/are allowed.

Delay condoned.

Leave granted.

The Civil Appeals are dismissed with no order as to costs,  
in terms of the signed order.

(G.V.Ramana)  
Court Master

(Vinod Kulvi)  
Asstt.Registrar