

ITEM NO.16

COURT NO.11

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2011  
CC 4838-4844/2011

(From the judgement and order dated 12/01/2009 in RFA No. 570/1996 & RFA No. 571/1996 & RFA No. 572/1996 & RFA No. 824/1996 & RFA No. 1810/1996 & RFA No. 2365/1995 & RFA No. 2368/1995 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BALBIR SINGH & ORS. ETC.ETC.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(With appln(s) for substitution, permission to file SLP, c/delay in filing substitution appln. and office report)

WITH  
S.L.P.(C)...CC NO. 5525 of 2011  
(With appln(s) for substitution, permission to file SLP, c/delay in filing substitution appln. and office report)

Date: 28/03/2011 These Petitions were called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Dinesh Verma, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The delay in filing and refiling of the special leave petitions as also the delay in filing substitution applications is condoned and the applications for substitution are allowed. Permission to file SLPs. is granted.

These petitions are directed against the judgment of the learned Single Judge of the Punjab and Haryana High Court, who partly allowed the appeals filed by the

2

petitioners under section 54 of the Land Acquisition Act, 1894 (for short, "the Act") and enhanced the amount of compensation payable to them.

The lands of the petitioners were acquired in 1985 for setting up Majha Cooperative Sugar Mill. The Land Acquisition Collector passed award dated 28.2.1986 and fixed market value of the acquired land ranging from Rs.10,073/- to Rs.7,960/- per acre by dividing the acquired lands into five categories.

On a reference made by the Collector under section 18 of the Act, Additional District Judge, Amritsar (for short, "the Reference Court"), after considering the pleadings of the parties and evidence produced by them, fixed market value of the Chahi land at the rate of Rs.33,840/- per acre and Barani/Gair Mumkin land at Rs.22,000/- per acre.

Both, the State of Punjab and the petitioners, filed appeals under section 54 of the Act. dismissed the appeals preferred by the State Government and partly allowed those filed by the petitioners and fixed market value of the acquired land at Rs.45,120/- per acre.

The High Court

The sale deeds relied upon by the petitioners for claiming higher compensation were discarded by the Reference Court and the High Court on the ground that the same were in respect of small parcels of land and were executed after the issue of section 4 Notification.

We have heard learned counsel for the petitioners and carefully perused the record.

In our view, the reasons assigned by the Reference Court and the High Court for refusing to rely upon the sale deeds do not suffer from any legal error.

Admittedly, 774

kanals 10 marlas of land were acquired by the Government and the sale deeds, which were executed after the issue of section 4 Notification, were in respect of small parcels of

3

land.

The special leave petitions are accordingly dismissed.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master