

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.889 OF 2009

ASHOK KUMAR & ORS.

...APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH & ORS.

...RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Madhya Pradesh, Bench at Indore in First Appeal No.156 of 1996, dated 03.05.2006, whereby and whereunder the High Court has dismissed the appeal filed by the appellants herein and confirmed the award of compensation by the Reference Court.

2. Briefly stated, the facts in the present appeal are: the *lis* pertains to the acquisition of certain lands, belonging to the appellants-claimants, by the respondent-State herein for the public purpose of establishing an industrial area in village Meghnagar, District Jhabua. The State Government *vide* Notification issued under Section 4 of the Land Acquisition Act, 1894

(for short, "the Act"), proposed to acquire the 37.39 hectare of land situated in village Meghnagar, dated 24.08.1984. The same was followed by Notification issued under Section 6 of the Act, dated 16.09.1984. The possession of the land was taken on 02.10.1984.

3. The Land Acquisition Collector (for short, "the Collector") assessed the compensation for the acquired land pertaining to the aforesaid village, *vide* award dated 06.12.1986, at the rate of Rs.27,000/- per hectare.

4. Dissatisfied with the award of the Collector, the claimants sought for a reference under Section 18 of the Act. The appellant-claimants, relying on various sale deeds and considering the potentiality of the land, had claimed for compensation at the rate of Rs.30,000/- per bigha. The Reference Court recorded that the land in question is adjacent to the main road, and further is situate near the office of Mining Corporation and an Industrial Area. Therefore, the Reference Court enhanced the market value of the acquired land at the rate of Rs. 9,000/- per hectare, along with solatium, *vide* order dated 02.04.1996.

5. Aggrieved by the order so passed by the Reference Court, the appellant-claimants approached the High Court for further enhancement of compensation. By the impugned judgment and order the High Court did not interfere with the compensation granted by the Reference Court, *inter alia*, on the ground that the Reference Court has already doubled the compensation awarded by the Collector and the same is just, proper and adequate.

6. Aggrieved by the order so passed by the High Court, the appellant-claimants are before us in this appeal.

7. We have heard the learned counsel for the parties to the *lis* and also perused the judgment(s) and order(s) passed by the High Court and the courts below.

8. In light of the peculiar facts and circumstances of the case, we are of the considered opinion that the compensation awarded by the Reference Court be further enhanced by a sum of Rs.6,000/- per bigha, with all statutory benefits.

9. Accordingly, the appeal is allowed and the order of the High Court is set aside. The order of the

Reference Court is modified as stated hereinabove. No order as to costs.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI
MAY 07, 2015.

ITEM NO.119

COURT NO.1

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 S

Civil Appeal No(s). 889/2009

ASHOK KUMAR & ANR.

Appellant(s)

VERSUS

STATE OF M.P. & ANR.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to file additional documents)

Date : 07/05/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Mr.Jayant Bhushan, Sr.Adv.
Mr.Shishir Deshpande, Adv.
Ms. Sujata Kurdukar,Adv.
Mr.Amit Yadav, Adv.

For Respondent(s) Mr. Mishra Saurabh,Adv.

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

The Civil Appeal is allowed, in terms of the signed order.

(G.V.Ramana)
AR-cum-PS
(Signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar