

\HIN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3934-3951 OF 2014
(Arising out of SLP(C) Nos.27646-27663 of 2011)

ParaAppelKant(8)Ors.
Versus

StaRespondHaryana & Anr.

O R D E R

1. Leave granted.

2.The land-owners/agriculturists are the appellants in these civil appeals. They are before us with the request to enhance the compensation awarded by the High Court of Punjab and Haryana at Chandigarh in its judgment(s) and order(s) in R.F.A. Nos. 3263 to 3270, 3275, 3276, 3355 to 3362, dated 23.03.2011, for the lands acquired by the State Government.

3.The facts in nutshell are : a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") came to be issued by the State Government on 18.08.2005. The acquisition was for the purpose of construction of BML Hansi Branch-Bhutana Branch Multipurpose Link Channel. The extent of lands sought to be acquired was 36.74 acres in Village Azimgarh, Hadba st No. 3, Tehsil Ghula, District Kaithal. The notification envisaged the right of the land-owners to file their objections, if any, to the proposed acquisition of the notified lands.

4.After considering the objections so filed by the land-losers, the acquiring authority had made a request to the State Government to issue the notification under Section 6 of the Act. Pursuant to the recommendations so made, the State Government has issued Section 6 (1) notification, dated 13.09.2005.

5.The Land Acquisition Officer, after calling for necessary information from the land owners had quantified the compensation payable to the land owners in a sum of Rs.7,50,000/- per acre for Nehri and Chahi lands and a sum of Rs.15,00,000/- for Gair Mumkin lands.

6.The land owners being unsatisfied by the compensation so awarded by the Land Acquisition Officer had requested him to refer the matter to the Civil Court under Section 18 of the Act for the purpose of fixation of fair and true value of the acquired lands. Pursuant to the request so made, the Land Acquisition Officer had referred the matter to the Civil Court for appropriate adjudication. On receipt of the reference and after registering the same, the Reference Court has elaborately recorded the evidence of the land-owners as well as the acquiring authorities. Upon consideration of the evidence on record, while the Reference Court has thought it fit to enhance the compensation for the lands acquired from Rs.7,50,000/- to Rs. 9,00,000/- per acre insofar as Nehri and Chahi lands, in respect of Gair Mumkin lands the Reference Court has confirmed the award passed by the Land Acquisition Officer awarding a compensation of Rs. 15,00,000/- per acre.

7.The land-owners not being satisfied with the compensation so awarded by the Reference Court had filed appeals before the High Court. The State Government being aggrieved by the enhancement of compensation by the Reference Court had filed their cross objections before the High Court.

8.The High Court by its common judgment and order has enhanced the compensation from Rs.9,00,000/- to Rs.9,50,000/- for Nehri and Chahi lands and maintained the compensation awarded by the Reference Court for Gair Mumkin lands.

9.Aggrieved by the common judgment and order passed by the High Court, the land-owners are before this Court for enhancement of the compensation for the lands acquired.

10.We have heard Shri A.K. Panda, learned senior counsel for the land-owners/agriculturists and Shri Manjit Singh, Addl. Adv. Gen. appearing for the State of Haryana.

11.Shri Panda would contend that the High Court was not justified in enhancing the compensation from Rs.9,00,000/- to Rs. 9,50,000/- only as the lands acquired had higher potential and the

698/2013,700/2013,701-704/2013,705/2013, 525/2013,
24112/2012,24126/2012,24662/2012,7867-7868/2013,
13679/2013,10432/2013,13302-13316/2013,
12648-12650/2013, 20345-20357/2013,22331/2013,
23930-23937/2013,25961/2013,26952-26955/2013, 30820/2013,
33510-33511/2013,36269-36271/2013,32640/2013,
2081-2087/2014, 2438-2442/2014,1757/2014)

Date: 12/03/2014 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. A.K. Panda, Sr. Adv.
Ms. Niranjana singh, Adv.
Mr. Ram, Adv.
Ms. Sangeeta Singh, Adv.
Mr. Gulnoor Ghumman, Adv.
Ms. Madhu Moolchandani,Adv.

Mr. Manjit Singh, AAG
Mrs. Vivekta Singh, Adv.
Mrs.Nupur Chaudhary, Adv.
Mr. Tarjit Singh Chikkara, Adv.
MR. Kamal Mohan Gupta, Adv.

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Mr. Vipin Gogia, Adv.
Ms. Jaspreet Gogia, Adv.
Mr. Brijendra Singh, Adv.

Mr. Arvind Bansal, Adv.
Mr. K.C. Rajput, Adv
Mrs. V.D. Khanna, Adv.

Mr. Balbir Singh Gupta, Adv.

Mr. Narender Hooda, Sr. Adv.
Mr. Alok Sangwan, Adv.
Mr. Devashish Bharuka, Adv.

Mr. V.K. Jain, Adv.
Mr. Chander Shekhar Ashri,Adv.

Mr. Dinesh Verma, Adv.
Dr. (Mrs. Vipin Gupta, Adv.
Mr. Subhasish Bhowmick, Adv.

Mr. Satyendra Kumar, Adv.

Mr. Nitin Kumar Thakur, Adv.

Mr. Praveen Swarup, Adv.

Mr. Santosh Kumar, Adv.
Mr. V Sushant Gupta, Adv.
Mr. Mushtaq Ahmad, Adv.

Mr. J.P. Dhanda, Adv.
Mrs. Raj Rani Dhanda, adv.
Mr. Vineet Dhanda, Adv.
Mr. Amrendra Kumr Singh, Adv.

Mr.Shishir Deshpande, Adv.

Mr. Debasis Misra, Adv.

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

SLP(C) Nos. 27646-27663 of 2011

Leave granted.

The appeals are allowed in part in terms of the signed order.

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Rest of the matters

List the matters on 02/04/2014.

[Charanjeet Kaur]
[Vinod Kumar]
Asstt. Registrar

[Signed order is placed on the file]

5