

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6413-6417 OF 2014

SHANAJI NATHAJI DABHI ETC. . .APPELLANT(S)

VERSUS

DEPUTY GENERAL MANAGER,  
ONGC LTD. & ANR. . .RESPONDENT(S)

WITH

CIVIL APPEAL NO.6418 OF 2014

CIVIL APPEAL NOS.6419-6420 OF 2014

CIVIL APPEAL NOS.6422-6423 OF 2014

CIVIL APPEAL NO.6425 OF 2014

CIVIL APPEAL NOS.6426-6427 OF 2014

CIVIL APPEAL NOS.6428-6431 OF 2014

CIVIL APPEAL NO.6432 OF 2014

CIVIL APPEAL NOS.6433-6436 OF 2014

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NEETU KHAJURIA

Date: 2015.02.21

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Reason:

CIVIL APPEAL NO.6437 OF 2014

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CIVIL APPEAL NOS.6438-6442 OF 2014

CIVIL APPEAL NOS.6674-6675 OF 2014

CIVIL APPEAL NOS.6818-6821 OF 2014

CIVIL APPEAL NOS.6822-6824 OF 2014

O R D E R

1. Permission to file appeal(s) is granted.

2. Delay condoned.

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

4. This batch of appeals involves common questions of law and therefore, for the sake of convenience, would be disposed of by this common judgment and order. For brevity, we would only notice the facts in the lead case i.e. Civil Appeal Nos.6413-6417 of 2014.

5. These appeals are directed against the judgment and order passed by the High Court of

Gujarat in First Appeal Nos.4800-4804 of 2007, dated 11.04.2008, whereby and whereunder, the High Court has allowed the appeal filed by the respondent herein.

6. The lis in this appeal pertains to the procurement of the possession of appellants' land by the State Government and handing it over to the Oil and Natural Gas Corporation Ltd. (for short, "the ONGC") for temporary occupation for a period of three years w.e.f. 01.03.1995 under Section 35 of the Land Acquisition Act, 1894 (for short, "the Act").

7. The Dy. Collector and Special Land Officer awarded compensation at the rate of Rs.2.10/- paise per sq. mtr. per annum by award dated 02.08.1996. The appellants had accepted the amount under protest and filed application for making reference under Section 35(3) of the Act before the Dy. Collector and Special Land Officer.

8. The Reference Court vide its award dated

17.11.2006 had directed the respondent to pay

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compensation to the appellants at the rate of Rs.9.00/- per sq. mtr. per annum from the date of taking possession of the land till the possession is handed over back to the appellants. It is relevant to notice that the period of three years of temporary occupation had expired on 28.02.1998.

9. Aggrieved by the order of the Reference Court, the respondent had filed appeal before the High Court.

10. The High Court, by its order dated 11.04.2008, has set aside the award of the Reference Court and observed that (i) neither the Collector nor the Reference Court, in a reference application under Section 35(3) of the Act, would have no jurisdiction to determine and decide rental compensation beyond the period of three years from the date of taking possession; (ii) the Reference Court has no jurisdiction to pass an order for restoring possession of the land owners; (iii) the Reference Court has no jurisdiction to award mesne profits for the occupation and possession of the lands by the

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respondent beyond the period of three years unless in an appropriate proceedings under the common law and that too in an appropriate proceedings for possession it is proved that ONGC is in unauthorized and illegal possession of the lands in question; (iv) the Reference Court has committed error in determining rental compensation with respect to the lands in question solely relying upon the judgment and award of the Reference Court with respect to land of village Pinradada; (v) the Reference Court has also

committed error in passing order directing to pay additional amount of compensation at the rate of Rs.6.90/- paise per sq. mtr. every year relying upon the judgment and award at Exh.17 and by giving 10% by way of price in rise and that (vi) the Reference Court has also committed error by directing to pay additional compensation and increased rate of rent from time to time as per the decision taken on administrative side.

11. Aggrieved by the judgment and order so passed by the High Court, the appellants are before

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us in these appeals.

12. Heard learned counsel for the parties to the lis and perused the documents on record.

13. After going through the records and in view of the peculiar facts and circumstances of the case, we allow these appeals and set aside the judgment(s) and order(s) passed by the High Court. However, we direct the respondent to pay the compensation at the rate of Rs.3.60/- per sq.mtr. per annum instead of Rs.2.10/- per sq.mtr. per annum for a period from 01.03.1995 to 28.02.1998 alongwith all statutory benefits.

Ordered accordingly.

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

.....J.  
(A.K. SIKRI)

.....J.  
(ARUN MISHRA)

NEW DELHI;  
FEBRUARY 10, 2015.

ITEM NO.8

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F  
RECORD OF PROCEEDINGS

I N D I A

Civil Appeal No(s). 6413-6417/2014

SHANAJI NATHAJI DABHI ETC.

Appellant(s)

VERSUS

DY.GEN.MANAGER,ONGC LTD.& ANR.

Respondent(s)

(With appln.(s) for bringing new facts)

WITH

C.A. No. 6418/2014

(With appln.(s) for exemption from filing O.T., permission to file additional documents, placing additional facts and documents on record)

C.A. No. 6419-6420/2014

(With appln.(s) for exemption from filing O.T., permission to file additional documents and office report)

C.A. No. 6422-6423/2014

(With Office Report)

C.A. No. 6425/2014

(With appln.(s) for bringing petitioner,c/delay in filing from filing O.T., permission placing additional facts and Report) on record the LR.s. of deceased substitution appln., exemption to file additional documents, documents on record and Office Report)

C.A. No. 6426-6427/2014

(With appln.(s) for exemption from filing O.T., placing addl. Facats and documents on record and Office Report)

C.A. No. 6428-6431/2014

(With appln.(s) for exemption from filing O.T., permission to file addl. documents and Office Report)

C.A. No. 6432/2014

(With Office Report)

C.A. No. 6433-6436/2014

(With Office Report)

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C.A. No. 6437/2014

(With Office Report)

C.A. No. 6438-6442/2014

(With Office Report)

C.A. No. 6674-6675/2014

(With appln.(s) for c/delay in filing SLP and Office Report)

C.A. No. 6818-6821/2014

(With appln.(s) for c/delay in filing substitution appln., permission to file SLP, substitution of deceased petitioner and Office Report)

C.A. No. 6822-6824/2014

(With appln.(s) for c/delay in filing SLP, substitution of deceased petitioner and Office Report)

Date : 10/02/2015      These appeals were called  
                                 on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)      Mr. Jatin Zaveri, Adv.  
                                 Mr. Neel Kamal Mishra, Adv.

For Respondent(s)    Mr.    Maninder Singh, ASG  
                                 Ms.    Sangeeta Bharti, Adv.  
                                 Mr.    Krishanu Adhikary, Adv.  
                                 Ms.    Perna Mehta, Adv.

                                 Mr. Subramonium Prasad, Adv.

                                 Mr. K. R. Sasiprabhu, Adv.

                                 Ms. Puja Singh, Adv.  
                                 Ms. Hemantika Wahani, Adv.

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

                                 The appeals are allowed in terms of the  
signed order.

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Pending applications, if any, shall  
stand disposed of.

(Neetu Khajuria)  
Sr.P.A.

(Vinod Kulvi)  
Assistant Registrar

(Signed order is placed on the file.)