

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3962 OF 2012

UNION OF INDIA

.. Appellant(s)

Versus

KABOOL SINGH & ORS.

.. Respondent(s)

WITH

CIVIL APPEAL NO. 3963 OF 2012

CIVIL APPEAL NO. 3964 OF 2012

CIVIL APPEAL NO. 3965 OF 2012

CIVIL APPEAL NO. 3966 OF 2012

CIVIL APPEAL NO. 3967 OF 2012

CIVIL APPEAL NO. 3968 OF 2012

CIVIL APPEAL NO. 3969 OF 2012

CIVIL APPEAL NO. 3970 OF 2012

CIVIL APPEAL NO. 3971 OF 2012

CIVIL APPEAL NO. 3972 OF 2012

CIVIL APPEAL NO. 3973 OF 2012

CIVIL APPEAL NO. 3974 OF 2012

CIVIL APPEAL NO. 3975 OF 2012

CIVIL APPEAL NO. 3976 OF 2012

O R D E R

1. These appeals are directed against the judgment(s) and order(s) passed by the High Court of Delhi in the case of Vijay Singh vs. Union of India, R.F.A No.477, dated 28.05.2004, whereby and whereunder, the High Court has enhanced the compensation from Rs.22,575/- per bigha to Rs.27,000/- per bigha allowing appreciation of 12 per cent per annum over the market value decided in the said judgment.

2. For convenient disposal of the matters, we would only notice the facts in Civil Appeal No.3962 of 2012 as the lead case.

3. Brief facts: The Notification No.F.7(8)/83-L&B(1), dated 12.1.1984, was issued under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") to acquire the land situated in village Jagatpur for public purpose namely

construction of an Embankment. Due to the urgent requirement of the land, urgency clause, Section 17(1) of the Act was invoked and enquiry under Section 17(4) for inviting objections under Section 5A of the Act was dispensed with. The Notification No.F.7(8)/83-L&B(1), dated 12.01.1984 under Section 6 of the Act was issued.

4. The Land Acquisition Collector (for short, "the LAC"), determined the compensation payable for the acquired lands at Rs.10,000/- per bigha by award dated 13.02.1985.

5. The claimants, not being satisfied with the compensation so awarded by the LAC, approached the LAC and sought for a reference under Section 18 of the Act to the Civil Court for determination of the actual market value of the land acquired by the State Government. The LAC had referred the case of the claimants to the Reference Court where it was registered as L.A. Case No.49 of 1996. The counsel of

the petitioners in the support of their arguments relied on the case of *Smt. Attar Kali and others vs. Union Of India*, LAC No.135/92, dated 28.07.1989 and on the case of *Mansa Ram and Others vs. Union of India*, LAC No.130/82, dated 31.10.1990, in both the cases the land of village Wazirabad was in question and the value in the said cases was assessed at Rs.17000/- per bigha and the counsel of the respondents placed reliance on a sale deed, in respect of land of village Wazirabad the land measuring 1,000 square yards was sold for a consideration of Rs.10,000 on 04.01.1984. The Reference Court relying on the judgment in the case of *Shri Khem Chand & Ors. vs. Union of India*, LAC No.146 of 1991, dated 25.09.1993, wherein the land of an adjacent village namely Sabhapur was in question, enhanced the compensation to Rs.22,575/- per bigha by its order dated 13.08.1998.

6. Dissatisfied with the compensation awarded by the Reference Court, the claimants had preferred a

Regular First Appeal before the High Court. The counsel for the petitioners contended that the reliance on the judgment and order in the case of *Shri Khem Chand & Ors.* (supra) was wholly misplaced and that instead reliance should have been placed on the case of *Smt. Attar Kali and others* (supra) and *Mansa Ram and Others* (supra). The High Court held that the Reference Court has erred in placing reliance on the case of *Shri Khem Chand & Ors* (supra) and that the case of *Smt. Attar Kali and others* (supra) and that *Mansa Ram and Others* (supra) form a valid basis for assessing the market value of the land in the case before them. As far as the question of rate of escalation was concerned, the High Court held that there is no hard and fast rule or straight jacket formula having the firm legal backing for computing the rate of escalation in the price of the acquired land. Such exercise would depend on various factors namely the period for which the escalation is required to be computed, the general rate of growth

of money during that period which certainly implies some guesswork. The High Court held that, the relevant period in the case was of about five years from 1979-1984 and the rate of 12 per cent per annum from 1979-1984 would form a just and a reasonable basis for the purpose of computing the rate of escalation. Accordingly, the High Court, after adding the escalation rate of 12 per cent over the rate of Rs.17000/- per bigha, assessed the market value of the acquired land to be at Rs.27,200/- per annum as on the date of acquisition.

7. Aggrieved by the order so passed by the High Court, the appellants are before us in these appeals.

8. Heard the learned counsel for the parties to the *lis*.

9. After going through the judgment(s) and order(s) passed by the High Court as well as the Courts below we find no infirmity in the order so passed by the High Court.

10. Accordingly, the appeals, being devoid of any merit, are liable to be dismissed and, are dismissed accordingly.

Ordered accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[A.K. SIKRI]

.....J.
[ARUN MISHRA]

NEW DELHI,
FEBRUARY 03, 2015.

ITEM NO.4

COURT NO.1

SECTION XIV

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

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C.A. No. 3974/2012

C.A. No. 3975/2012

C.A. No. 3976/2012

(With appl(s). for condonation of delay in filing substitution,
substitution appln., if any in respective matters)

Date : 03/02/2015 This appeal was 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) Ms. Rachana Srivastava,Adv.

For Respondent(s) Ms. Nidhi,Adv.

Ms. Rekha Pandey, Adv.

Mr. R.S. Nagar, Adv.

Mr. Wasim A Qadri, adv.

Mr. D. S. Mahra,Adv.

M/s Mitter & Mitter Co.,Adv. (NP)

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

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

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

The appeals are dismissed in terms of the signed order.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]