

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 10490-10528 OF 2010

STATE OF PUNJAB AND ETC.

...APPELLANT(S)

VERSUS

RAJ KUMAR AND ETC.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO.10429 OF 2010

CIVIL APPEAL NO.10432 OF 2010

CIVIL APPEAL NO.10433 OF 2010

CIVIL APPEAL NO.10433 OF 2010

CIVIL APPEAL NO.10435 OF 2010

CIVIL APPEAL NO.10446 OF 2010

CIVIL APPEAL NO.10447 OF 2010

CIVIL APPEAL NO.10529 OF 2010

CIVIL APPEAL NO.10530 OF 2010

CIVIL APPEAL NO.10531 OF 2010

CIVIL APPEAL NO.10532 OF 2010

CIVIL APPEAL NO.10533 OF 2010

CIVIL APPEAL NO.10534 OF 2010

CIVIL APPEAL NO.10535 OF 2010

Signature Not Verified

Digitally signed by

Ramana Venkata Ganti

Date: 2014.12.11

11:18:00 IST

CIVIL APPEAL NO.10536 OF 2010

Reason:

CIVIL APPEAL NO.10537 OF 2010

CIVIL APPEAL NO.10538 OF 2010

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CIVIL APPEAL NO.10539 OF 2010

CIVIL APPEAL NO.10540 OF 2010

CIVIL APPEAL NO.10541 OF 2010

CIVIL APPEAL NO.10542 OF 2010  
CIVIL APPEAL NO.10543 OF 2010  
CIVIL APPEAL NO.10544 OF 2010  
CIVIL APPEAL NO.10545 OF 2010  
CIVIL APPEAL NO.10546 OF 2010  
CIVIL APPEAL NO.10547 OF 2010  
CIVIL APPEAL NO.10548 OF 2010  
CIVIL APPEAL NO.10549 OF 2010  
CIVIL APPEAL NO.10550 OF 2010  
CIVIL APPEAL NO.10551 OF 2010  
CIVIL APPEAL NO.10552 OF 2010  
CIVIL APPEAL NO.10553 OF 2010  
CIVIL APPEAL NO.10555 OF 2010  
CIVIL APPEAL NO.10614 OF 2010  
CIVIL APPEAL NO.10615 OF 2010  
CIVIL APPEAL NO.10621 OF 2010

AND

WITH

CIVIL APPEAL NO.10646 OF 2010

O R D E R

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

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

3. Application(s) for impleadment, if any, is allowed.

C.A.Nos.10490-10528/2010:

4. We have heard learned counsel for the parties to the lis.

5. We find no merit in these appeals. Accordingly, the Civil Appeals are dismissed.

Rest of the matters (Matters filed by individuals):

6. Since the facts involved in all these appeals are

similar, for the sake of convenience, this Court would notice the facts only in Civil Appeal No. 10429 of 2010 while disposing of this batch of appeals by this common judgment and order.

Civil Appeal No.10429 of 2010:

7. The claimants, aggrieved by the judgment(s) and order(s) passed by the High Court of Punjab and Haryana at Chandigarh in RFA No.379 of 1998, dated 22.05.2008, are before us in this appeal.

8. Briefly stated, the facts in the present appeal are: the lis pertains to the acquisition of certain lands, belonging to the appellant/claimant, by the authority-herein for development of New Mandi at Patran, District Patiala, Punjab. The State Government

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vide Notification issued under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") had proposed to acquire 23 Kanals and 3 Marlas of land for development of New Mandi at Patran, District Patiala, Patiala, dated 02.05.1989.

9. After due consideration of the objections filed by claimant under Section 5-A of the Act, the acquiring authority had recommended issuance of a notification under Section 6 of the Act to the State Government. Accordingly, the State Government had issued a notification, declaring that the said land would be acquired for public purpose, dated 25.04.1990.

10. After issuance of the aforesaid notification, the Land Acquisition Officer (for short, "the LAO"), had determined the compensation at Rs.2,24,408/- per acre with a 30% solatium and 12% increase from the date of publication of notification under Section 4 of the Act, i.e., 17.05.1989 to 29.04.1992, by award dated 30.04.1992.

11. The claimant, not being satisfied with the compensation so awarded by the LAO, 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 LAO had referred the case of the land-losers to the Reference Court.

12. The Reference Court, after registering a reference so made by the LAO, had duly perused the evidence on record and also

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afforded due opportunity to both the parties to represent their case. He relied upon the sale deeds of the land adjacent to the acquired land, nine months before the Section 4 notification, as the best evidence to ascertain market value of the acquired lands.

However, since the said deeds pertain to developed lands which were purchased in small blocks, the Reference Court deducted 50% for development charges and made a further cut on the basis of

acquisition of larger tract of land in the instant case. In conclusion, the Reference Court had quantified the compensation payable at Rs.20/- per sq.ft. (equivalent to Rs.180/- per sq.yard), along with 12% increase on the awarded amount under Section 23(1-A) of the Act from the date of Section 4 notification to the date of award of the LAO and 30% solatium under Section 23(2) of the Act, by order dated 10.11.1997.

13. Aggrieved by the order so passed by the Reference Court, the claimants had preferred a Regular First Appeal before the High Court. By the judgment and order dated 22.05.2208, the High Court has observed that since the Reference Court had already deducted 50% towards the development charges out of the market value of the lands, it ought not have made a further deduction towards the land being a large area. It observed that the land herein is only 23 kanals and 3 marlas, abuts two main roads in the city and lies at the heart of the city and therefore, rejected the second deduction made by the Reference Court. In conclusion, the High Court has enhanced the compensation from Rs.20/- per sq.ft. to Rs.25/- per

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sq.ft. (Rs.180/- per sq.yard to Rs.225/-per sq.yard).

14. Aggrieved by the order so passed by the High Court, the appellant/claimant is before us in this appeal.

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

16. The High Court, in our considered opinion, has rightly taken into consideration the potentiality of the acquired lands, rejecting the second deduction made by the Reference Court towards size of the land acquired, and accordingly, uniformly determined the market value of all the acquired lands. Thus, the enhancement of the compensation by the High Court was just and reasonable.

17. However, taking into note the location of the acquired lands being located in the heart of the city between the two main connecting roads of the city and also its proximity to the developed area, we are of the considered opinion, that the impugned order passed by the High Court requires to be modified and further enhanced to Rs.2,00,000/- per acre along with an interest of 6% from the date of the order passed by the High Court all other statutory benefits.

18. Accordingly, the judgment and order passed by the High Court is modified and the compensation payable is further enhanced to Rs.2,00,000/- per acre along with an interest of 6% from the  
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date of the order passed by the High Court all other statutory benefits.

19. The deficient Court Fee, if any, shall be paid by the claimants-land-losers within two weeks' time from today.

20. In the result, the Civil Appeals are allowed and the order of the High Court is modified to the extent indicated. No order as to costs.

Ordered accordingly.

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



CIVIL APPEAL NO.10536 OF 2010  
(With office report)

CIVIL APPEAL NO.10537 OF 2010  
(With office report)

CIVIL APPEAL NO.10538 OF 2010  
(With office report)

CIVIL APPEAL NO.10539 OF 2010  
(With office report)

CIVIL APPEAL NO.10540 OF 2010  
(With appln.(s) for bringing on record the Lrs of deceased  
petitioner and c/delay in filing appln.for bringing on record and  
setting aside an abatement and office report)

CIVIL APPEAL NO.10541 OF 2010  
(With office report)

CIVIL APPEAL NO.10542 OF 2010  
(With office report)

CIVIL APPEAL NO.10543 OF 2010  
(With office report)

CIVIL APPEAL NO.10544 OF 2010  
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CIVIL APPEAL NO.10550 OF 2010  
(With office report)

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CIVIL APPEAL NO.10614 OF 2010  
(With office report)

CIVIL APPEAL NO.10615 OF 2010  
(With office report)

CIVIL APPEAL NO.10621 OF 2010  
(With office report)

AND WITH  
CIVIL APPEAL NO.10646 OF 2010  
(With office report)

Date : 02/12/2014 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE A.K. SIKRI

For Appellant(s) Mr.Sanchar Anand, AAG  
Mr.Kuldip Singh, Adv.

Mr. Ajay Pal, Adv.(NP)

Mr.Manoj Swarup, Adv.  
Ms.Neha Kedia, Adv.  
Mr.Ankit Swarup, Adv.  
Mr. Ajay Kumar, Adv.

For Respondent(s) Mr.Manoj Swarup, Adv.  
Ms.Neha Kedia, Adv.  
Mr.Ankit Swarup, Adv.  
Mr. Ajay Kumar, Adv.

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Mr.Sanchar Anand, AAG  
Mr.Kuldip Singh, Adv.

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 impleadment, if any, is allowed.

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

Application(s) for setting aside an abatement is allowed.

C.A.Nos.10490-10528/2010:

We have heard learned counsel for the parties to the lis.

We find no merit in these appeals. Accordingly, the Civil  
Appeals are dismissed.

Rest of the matters (Matters filed by individuals):

The Civil Appeals are allowed and the order of the High  
Court is modified to the extent indicated with no order as to  
costs, in terms of the signed order.

(G.V.Ramana)  
Court Master

(Vinod Kulvi)  
Asstt.Registrar

(Signed order is placed on the file)