

ITEM NO.26

COURT NO.11

SECTION IVB

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

Petition(s) for Special Leave to Appeal (Civil)...../2010

(CC 15673/2010)

(From the judgement and order dated 05/05/2010 in RFA No. 553/1999 of The HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH)

GURDEV SINGH

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

With I.A.1 (C/delay in filing SLP)

WITH S.L.P.(C)...CC NO. 15842-15850 of 2010

(For substitution and permission to file SLP and c/delay in filing substitution appln. and office report)

Date: 19/10/2010

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr.Gautam Godara, Adv.

Mr. Ravindra Keshavrao Adsure,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Permission to file SLPs is granted.

Delay condoned.

Application for substitution is allowed.

Feeling dissatisfied with the enhanced compensation awarded by the High Court, the petitioners have preferred these special leave petitions.

By Notification dated 1.11.1994 issued under Section 4 of the Land Acquisition Act, 1894, the State Government initiated the process for acquisition of 21.24 acres of agricultural land for

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construction of bye-pass from Sirsa - Ellenabad road to Hanumangarh - Tibbi road. After finalization of the acquisition proceedings,

the Land Acquisition Collector passed award dated 17.12.1996.

fixed market value of Nehri, Chahi, Gair Mumkin land at Rs.2 lakhs

and for Barani and Gair Mumkin Bhatha at Rs.1,50,000/- per acre.

The Reference Court relied upon sale instances, Exhibits P-15 and

P-29 and fixed market value of the entire acquired land at

Rs.3,84,000/- per acre.

The High Court granted further enhancement

and fixed market value of the acquired land at Rs.7,58,880/- by

relying upon another sale transaction marked Exhibit P.14.

High Court noted that the acquired land was at a distance of 1-1.5

killa from the abadi of Ellenabad and had significant potential for

development for residential, commercial and industrial purposes and

held that in view of Exhibits P.14, P.15 and P.29, average market

value of the acquired land would come to Rs.7079/- per marla.

the same time, the High Court imposed 33% cut on the ground that

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acquisition was for 21.24 acres agricultural land whereas the sale instances were for very small pieces measuring 2 to 17 marlas.

We have heard learned counsel for the petitioner and are convinced that the impugned judgment does not call for interference under Article 136 of the Constitution. The cut imposed by the High Court is in consonance with the law laid down by this Court in Special Tehsildar Land Acquisition, Vishakapatnam v. A Mangala Gowri (1991) 4 SCC 218, P. Ram Reddy v. Land Acquisition Officer, Hyderabad Urban Development Authority (1995) 2 SCC 305 and Land Acquisition Officer Revenue Divisional Officer, Chittor v. L. Kamalamma (1998) 2 SCC 385.

The special leave petitions are accordingly dismissed.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master