

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.11126 OF 2011

AJMER SINGH & ORS. ...APPELLANT(S)

VERSUS

PUNJAB STATE THROUGH THE
SECRETARY TO GOVERNMENT DEPARTMENT
OF INDUSTRIES & ORS. ...RESPONDENT(S)

WITH

CIVIL APPEAL NOS. 11367-11368 OF 2013

CIVIL APPEAL NO. 11218 OF 2011

CIVIL APPEAL NO. 11225 OF 2011

CIVIL APPEAL NO. 11217 OF 2011

CIVIL APPEAL NO. 11219 OF 2011

CIVIL APPEAL NO. 11220 OF 2011

CIVIL APPEAL NO. 11221 OF 2011

CIVIL APPEAL NO. 11222 OF 2011

CIVIL APPEAL NO. 11223 OF 2011

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CIVIL APPEAL NO. 11224 OF 2011

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NEETU KHAJURIA
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CIVIL APPEAL NO. 11226 OF 2011

Reason:

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CIVIL APPEAL NO. 11227 OF 2011

CIVIL APPEAL NO. 11228 OF 2011

CIVIL APPEAL NO. 11229 OF 2011

CIVIL APPEAL NO. 11230 OF 2011

CIVIL APPEAL NO. 11231 OF 2011

CIVIL APPEAL NO. 11341 OF 2011

CIVIL APPEAL NO. 11342 OF 2011

CIVIL APPEAL NO. 570-571 OF 2012

CIVIL APPEAL NO. 572 OF 2012

CIVIL APPEAL NOS. 573-574 OF 2012

CIVIL APPEAL NO. 792 OF 2012

CIVIL APPEAL NO. 886 OF 2012

CIVIL APPEAL NO. 1080 OF 2012
CIVIL APPEAL NO. 1133 OF 2012
CIVIL APPEAL NO. 1134 OF 2012
CIVIL APPEAL NO. 1135 OF 2012
CIVIL APPEAL NO. 1145 OF 2012
CIVIL APPEAL NO. 1148 OF 2012
CIVIL APPEAL NO. 1149 OF 2012
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CIVIL APPEAL NO. 1150 OF 2012
CIVIL APPEAL NO. 1615 OF 2012
CIVIL APPEAL NO. 2725 OF 2012
CIVIL APPEAL NO. 2726 OF 2012
CIVIL APPEAL NO. 2727 OF 2012
CIVIL APPEAL NO. 2728 OF 2012
CIVIL APPEAL NO. 4678 OF 2012

CIVIL APPEAL NOS. 7268-7280 OF 2012

CIVIL APPEAL NO. 2724 OF 2012

CIVIL APPEAL NO(S).11501-11520 OF 2014
(Arising out of SLP(C) Nos.38866-38885 OF 2013)

CIVIL APPEAL NO(S).11521-11524 OF 2014
(Arising out of SLP(C) No.38886-38889 of 2013)

O R D E R

1. Civil Appeal No. 10835 of 2013 and Civil Appeal Nos.2674-2675 of 2012 are de-tagged.

2. Delay in filing the Special Leave Petitions, if any, is condoned.

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

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

5. Leave granted in Special Leave Petition Nos.38866-38885 and 38886-38889 of 2013.

6. Since the facts involved in all these appeals are identical, for the sake of convenience, we would notice the facts only in Civil Appeal No.11126 of 2011 while disposing of this batch of appeals by this common order.

Civil Appeal No.11126 of 2011

7. The claimants, aggrieved by the judgment(s) and order(s) passed by the High Court of Punjab and Haryana at Chandigarh in R.F.A. No.5482 of 2011, dated 08.04.2011, are before us in this appeal.

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8. Briefly stated, the lis pertains to the acquisition of certain lands, belonging to the appellants/claimants, by the respondent-authority herein for the public purpose of setting up an Industrial Growth Centre at Bhatinda (Punjab) by invoking urgency provision under Section 17(2)(c) of the Land Acquisition Act, 1894 (for short, "the Act"). The State Government vide Notification issued under Section 4(1) of the Act had proposed to acquire the land situated in villages Jassi Pau Wali, Pati Haji Ratan and Pati Mehna, District Bhatinda, Punjab, dated 06.04.1992.

9. Thereafter, the State Government had issued a notification declaring that the said land would be acquired for the notified public purpose, dated 08.04.1992.

10. The Land Acquisition Collector (for short, "the Collector") had subsequently invited objections under Section 5-A of the Act and after due consideration of the same, assessed the market value of the acquired lands pertaining to the aforesaid

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villages, by the award dated 03.06.1994, as under :-

Village Jassi Pau Wali :

Nehri	Rs.2,04,000/- per acre
Chahi	Rs.51,000/- per acre
Barani	Rs.80,000/- per acre
Gair Mumkin	Rs.1,80,000/- per acre

Village Pati Haji Ratan :

Nehri	Rs.3,00,000/- per acre
Chahi	Rs.3,00,000/-per acre
Barani	Rs.1,00,000/- per acre
Gair Mumkin	Rs.4,50,000/- per acre

For Village Pati Mehna :

Nehri	Rs.3,00,000/- per acre
Chahi	Rs.59,000/- per acre
Barani	Rs.1,00,000/- per acre
Gair Mumkin	Rs.4,50,000/- per acre

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11. Dissatisfied with the award of the Collector, the claimants sought for a reference under Section 18 of the Act. The Reference Court enhanced the market value of the acquired land pertaining to Village Jassi Pau Wali at the rate of Rs.4,50,000/- per acre for the land falling upto the depth of 250 meters on Bhatinda Mansa Road and at the rate of Rs.3,30,000/- per acre for rest of the land. For the Villages Pati Haji Ratan and Pati Mehna, the Reference Court enhanced the market value of the acquired land at the rate of Rs.4,90,000/- per acre.

12. Aggrieved by the order so passed by the Reference Court, the appellants/claimants approached the High Court of Punjab and Haryana at Chandigarh for further enhancement of compensation. By the impugned judgment(s) and order(s), dated 08.04.2011, the High Court declined to interfere with the

compensation granted by the Reference Court in respect of villages Jassi Pau Wali, but in respect of Villages Pati Haji Ratan and Pati Mehna reduced the compensation from Rs.4,90,000/- per acre to Rs.4,50,000/- per acre.

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

14. 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.

15. The Reference Court, by a detailed order, has considered various factors for enhancement of the compensation amount as awarded by the Collector. The Reference Court relied upon the overwhelming evidence available on record to state that the acquired land is surrounded by industrial and residential establishments and its location is such that it lies between the main Bathinda-Mansa Highway on one side and touches the Bathinda-Dabwali-Delhi Highway on the other. The Reference Court had also noticed that the acquired land is proximate to the General Bus Stand as well as the Court Complex, Bathinda. Keeping in view the aforesaid, the High Court therefore, concluded, inter alia, that the aforesaid factors clearly proved the high potentiality of the acquired land to be used for Industrial, Commercial and Residential purposes, and further that the said acquired land would command a high compensation amount.

16. The High Court, in our considered opinion, did not duly take into consideration the potentiality of the acquired lands uniformly in determination of the fair market value. Insofar as

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the land pertaining to Villages Pati Haji Rattan and Pati Mehna are concerned, the High Court rightly noticed that they form part of the municipal limits of Bathinda City and recorded that there were industrial units located in the vicinity of the acquired land, but still erred in the fair assessment of the market value.

17. It is settled law that a fair assessment of potentiality of the acquired lands, when led out in its most advantageous manner, is sine qua non for determination of their market value and thus, a requisite for calculation of justiciable compensation.

18. In the instant case, the acquired lands are adjacent to the Highways and have the benefit of, inter alia, industrial, residential and other developing establishments in their vicinity. This

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indicates the enhanced potentiality of the said lands. The High Court was not justified in ignoring the relevant evidence available on record and reducing the compensation awarded to the claimants-appellants herein with regard to the Villages Pati Mehna and Pati Haji Rattan. Therefore, we are of the considered opinion that the impugned order(s) passed by the High Court require to be set aside and the compensation awarded be appropriately enhanced.

19. Therefore, in light of the aforesaid, we fix the fair market value of the lands acquired in

Villages Pati Haji Ratan and Pati Mehna at the uniform rate of Rs.4,90,000/- per acre. Further, in the case of Village Jassi Pau Wali, we enhance the compensation so awarded by the Reference Court and fix the fair market value of the lands acquired at the uniform rate of Rs.4,50,000/- per acre.

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20. The appellants/claimants would be entitled for statutory benefits on the enhanced amount from the date of the order(s) passed by the High Court.

21. In the result, the Civil Appeals are allowed and the order of the High Court is set aside. The order of the Reference Court is modified as stated hereinabove.

Ordered Accordingly.

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

.....J.
(MADAN B. LOKUR)

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

NEW DELHI
DECEMBER 11, 2014.

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ITEM NO.2 COURT NO.1 SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 11126 of 2011

AJMER SINGH & ORS. Appellant(s)

VERSUS

PUNJAB STATE THROUGH THE
SECRETARY TO GOVERNMENT DEPARTMENT
OF INDUSTRIES & ORS. Respondent(s)

WITH
C.A. No. 10835/2013
(With Office Report)

C.A. No. 2674-2675/2012
(With Office Report)

C.A. No. 11367-11368/2013

(With Interim Relief and Office Report)

C.A. No. 11218/2011
(With Office Report)

C.A. No. 11225/2011
(With Office Report)

C.A. No. 11217/2011
(With Office Report)

C.A. No. 11219/2011
(With Office Report)

C.A. No. 11220/2011
(With Office Report)

C.A. No. 11221/2011
(With Office Report)

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C.A. No. 11222/2011
(With Office Report)

C.A. No. 11223/2011
(With Office Report)

C.A. No. 11224/2011
(With Office Report)

C.A. No. 11226/2011
(With Office Report)

C.A. No. 11227/2011
(With Office Report)

C.A. No. 11228/2011
(With Office Report)

C.A. No. 11229/2011
(With Office Report)

C.A. No. 11230/2011
(With Office Report)

C.A. No. 11231/2011
(With Office Report)

C.A. No. 11341/2011
(With Office Report)

C.A. No. 11342/2011
(With Office Report)

C.A. No. 570-571/2012
(With appln.(s) for permission to file additional documents
and Interim Relief and Office Report)

C.A. No. 572/2012
(With Office Report)

C.A. No. 573-574/2012
(With Office Report)

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C.A. No. 792/2012
(With Office Report)

C.A. No. 886/2012

(With Office Report)

C.A. No. 1080/2012
(With Office Report)

C.A. No. 1133/2012
(With Office Report)

C.A. No. 1134/2012
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(With Office Report)

C.A. No. 1149/2012
(With Office Report)

C.A. No. 1150/2012
(With Office Report)

C.A. No. 1615/2012
(With Office Report)

C.A. No. 2725/2012
(With Office Report)

C.A. No. 2726/2012
(With Office Report)

C.A. No. 2727/2012
(With Office Report)

C.A. No. 2728/2012

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(With Office Report)

C.A. No. 4678/2012
(With appln.(s) for an application for discharge and Office Report)

C.A. No. 7268-7280/2012
(With Office Report)

C.A. No. 2724/2012
(With Office Report)

SLP(C) No. 38866-38885/2013
(With Office Report)

SLP(C) No. 38886-38889/2013
(With Office Report)

Date: 11/12/2014 These matters 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)/
Petitioner(s) Mr. Manoj Swarup, Adv.

Mr. Ankit Swarup, Adv.
Mr. Karan Kapoor, Adv.
Mr. Rohit Kumar Singh, Adv.

Mr. Ajay Veer Singh, Adv.
Mr. S.K. Goel, Adv.
Mr. R.K. Verma, Adv.
Mr. Atul Aggarwal, Adv.
Ms. Divya Garg, Adv.
Mr. U.R. Bokadia, Adv.
Mr. Atit Jain, Adv.
Mr. R.K. Khare, Adv.
For Mr. Mohd. Irshad Hanif, Adv.

Mr. Rajiv K. Garg, Adv.
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Mr. S.K. Bandyopadhyay, Adv.
Mr. Sanjay Gupta, Adv.
Mr. Annam D.N. Rao, Adv.

Mr. Amit Aggarwal, Adv.
For Mr. R.C. Kaushik, Adv.

Mr. Kamaldeep Dayal, Adv.
Mr. Gaurav Goel, Adv.

Mr. K. K. Mohan, Adv.

Mr. Satish Kumar, Adv.

For Respondent(s) Mr. Tarunvir S. Khehar, Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mr. Raktim Gogoi, Adv.
Mr. Anupam Lal Das, Adv.
Mr. Anirudh, Adv.

Mr. Ritesh Khatri, Adv.

Mr. Shree Pal Singh, Adv.

Ms. Shalu Sharma, Adv.

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

Civil Appeal No. 10835 of 2013 and Civil Appeal
Nos. 2674-2675 of 2012 are de-tagged.

Delay in filing the special leave petitions, if
any, is condoned.

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

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

Leave granted in special leave petition

Nos. 38866-38885 and 38886-38889 of 2013.

The name of Mr. Tarunvir S. Khehar, learned counsel appearing for the Punjab Small Industries & Export Corporation Ltd., be taken on record and the name of earlier counsel is discharged.

Civil Appeals are allowed in terms of the signed order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)