

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.749 OF 2013

PARTAP SINGH(D) TR.LRS.

Appellant(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

CIVIL APPEAL NO.842 OF 2013

CIVIL APPEAL NO.746 OF 2013

CIVIL APPEAL NO.843 OF 2013

CIVIL APPEAL No.750-751 OF 2013

CIVIL APPEAL NO.754 OF 2013

O R D E R

These appeals have been filed for enhancement of compensation, aggrieved by the compensation awarded by the High Court. Earlier, the case had been remitted back to the High Court, vide order dated 8<sup>th</sup> May, 2008 by this Court, for taking into consideration the award at Annexures A-1 and A-2

and, thereafter, for determining the compensation afresh.

The Land Acquisition Collector granted compensation at the rate of Rs.40,000/- per acre for Chahi land, and for other land, at the rate of Rs.25,000/- per acre. Thereafter, a reference for enhancement of compensation was sought. The reference court awarded compensation at the rate of Rs.15/- per square yard. The High Court enhanced the compensation at the rate of Rs.20.59/- per square yard. Then, the matter travelled to this Court, it was remitted to the High Court to take into consideration the Award contained in Annexures A-1 and A-2, passed for the land acquisitions made in the year 1973 and 1982. The High Court, by impugned judgment and order, has awarded compensation at the rate of Rs.50/- per square yard. Dis-satisfied thereby, these appeals have been preferred before this Court.

We have heard learned counsel for the parties and perused the award dated 27<sup>th</sup> February, 1985 and order passed in RFA No.914 of 1985 passed by the High Court of Punjab & Chandigarh at Chandigarh with respect to Notification issued under Section 4 of the Land Acquisition Act, 1894 on June 29, 1973. The High Court has determined the compensation at the rate of Rs.37/- per square yard. As a matter of fact, the High Court had deducted 1/3rd compensation. The sale deed which formed part of the record disclosed value of more than Rs.75/- per square yard. That was made basis for the purpose of determining compensation with respect to village Ratgal, Sunderpur for notification under Section 4 issued on 29<sup>th</sup> June, 1973.

Another decision of the court has been relied upon, which was with respect to acquisition made by Notification issued under Section 4 on March 11, 1982. The land was acquired for the purpose of a city centre in District Kurukshetra. The High

Court has determined the compensation at the rate of Rs.71.50/- per square yard for the aforesaid acquisition initiated in March, 1981. The High Court has given annual increase of 12% per annum with effect from the year 1973 to 1981 to arrive at the said compensation.

We find that in the absence of other evidence the aforesaid determination of 71.50/- was appropriate and could not be said to be excessive. As notification in this case was issued on 8<sup>th</sup> February, 1983. We give increase of 12% for one year compensation comes to Rs.79.40/- per square yard, that is rounded off to Rs.80/-. It is considered to be appropriate in the facts and circumstances of the case to enhance the compensation to Rs.80/- per square yard. However, the Land Acquisition Collector shall make the payment after receipt of court fees on the difference of amount of compensation awarded above, i.e. at the rate of Rs.80/-. The payment of court fees is to be made within two months from

today. Needless to say the enhanced compensation is to be paid along with statutory benefits.

The appeals are allowed to the aforesaid extent.

.....J.  
(ARUN MISHRA)

.....J.  
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI,  
NOVEMBER 14, 2017.

ITEM NO.18

COURT NO.10 SECTION IV  
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

Civil Appeal No(s).749/2013

PARTAP SINGH(D) TR.LRS.

Appellant(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

WITH

C.A.No.842/2013 (IV)C.A.No.746/2013 (IV)C.A.No.843/2013 (IV)C.A.No.750-751/2013 (IV)C.A.No.754/2013 (IV)

Date : 14-11-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Mr.Shish Pal Laler,  
Mr.Sonit Sinhmar, Adv.  
Ms.Mahima Singh, Adv.  
Mr.R.C. Kaushik, AOR

Mr.O.P.S.Tanwar, Adv.  
Mr.Debasis Misra, AOR

For Respondent(s)

Mr.Gautam Sharma, Adv.  
Mr.Manish Paliwal, Adv.  
Mr.Vikas Kumar, Adv.  
Ms.Monika Gusain, Adv.  
Mr.Abhishek Kumar, Adv.

Mr.Sanjay Kumar Visen, AOR

Mr.Kamal Mohan Gupta, AOR

Mr.Balbir Singh Gupta, AOR

Mr.A.N.Arora, AOR

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

The appeals are allowed in terms of the signed  
order.

(Ashok Raj Singh)

Court Master

(Signed Order is placed in the file)

(Jagdish Chander)

Court Master