

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.16197 OF 2017
(Arising out of S.L.P. (C) No.7861 OF 2016)

BRAHAM DEV AND ANOTHER Appellant(s)

Versus

STATE OF HARYANA AND OTHERS Respondent(s)

W I T H

CIVIL APPEAL NOS.16260-16265 OF 2017
(Arising out of S.L.P. (C) Nos.16973-16978 of 2016)

CIVIL APPEAL NOS.16257-16259 OF 2017
(Arising out of S.L.P. (C) Nos.13731-13733 of 2016)

CIVIL APPEAL NOS.16198-16234 OF 2017
(Arising out of S.L.P. (C) Nos.11299-11335 of 2016)

CIVIL APPEAL NOS.16235-16255 OF 2017
(Arising out of S.L.P. (C) Nos.13267-13287 of 2016)

CIVIL APPEAL NO.16256 OF 2017
(Arising out of S.L.P. (C) No.13334 of 2016)

CIVIL APPEAL NO.16268-16269 OF 2017
(Arising out of S.L.P. (C) No.16892-16893 of 2016)

CIVIL APPEAL NO.16266 OF 2017
(Arising out of S.L.P. (C) No.17489 of 2016)

CIVIL APPEAL NO.16267 OF 2017
(Arising out of S.L.P. (C) No.17490 of 2016)

CIVIL APPEAL NO. 16271 OF 2017
(Arising out of S.L.P. (C) No.24193 of 2016)

CIVIL APPEAL NO.16270 OF 2017
(Arising out of S.L.P. (C) No.24194 of 2016)

CIVIL APPEAL NO.16272 OF 2017
(Arising out of S.L.P. (C) No.26842 of 2016)

CIVIL APPEAL NO.16332 OF 2017
(Arising out of S.L.P. (C) No.21801 of 2017)

CIVIL APPEAL NO.16273 OF 2017
(Arising out of S.L.P. (C) No.8933 of 2017)

CIVIL APPEAL NO.16330 OF 2017
(Arising out of S.L.P. (C) No.15248 of 2017)

CIVIL APPEAL NOS.17812-17867 OF 2017
(Arising out of S.L.P. (C) Nos.29792-29847/2017)
(CC NOS.8777-8832 of 2017)

CIVIL APPEAL NO.16799 OF 2017
(Arising out of S.L.P. (C) No.27493/2017)
(D.NO. 12479 OF 2017)

CIVIL APPEAL NO.16331 OF 2017
(Arising out of S.L.P. (C) No.18292 of 2017)

CIVIL APPEAL NOS.16333-16334 OF 2017
(Arising out of S.L.P. (C) Nos.23906-23907 of 2017)

CIVIL APPEAL NOS.16343-16344 OF 2017
(Arising out of S.L.P. (C) Nos.25706-25707 of 2017)

CIVIL APPEAL NOS.16341-16342 OF 2017
(Arising out of S.L.P. (C) Nos.25032-25033 of 2017)

CIVIL APPEAL NOS.16339-16340 OF 2017
(Arising out of S.L.P. (C) Nos.24670-24671 of 2017)

CIVIL APPEAL NOS.16337-16338 OF 2017
(Arising out of S.L.P. (C) Nos.24425-24426 of 2017)

CIVIL APPEAL NOS.16345-16346 OF 2017
(Arising out of S.L.P. (C) Nos.25711-25712 of 2017)

CIVIL APPEAL NOS.16335-16336 OF 2017
(Arising out of S.L.P. (C) Nos.24373-24374 of 2017)

CIVIL APPEAL NOS.17681-17704 OF 2017
(Arising out of S.L.P. (C) Nos.29674-29697/2017)
(D.No. 29504 of 2017)

CIVIL APPEAL NOS.17705-17752 OF 2017
(Arising out of S.L.P. (C) Nos.29706-29753/2017)
(D.No.30506 of 2017)

O R D E R

Heard learned counsel for the parties.

Delay condoned.

Leave granted.

The acquisition in question in the present cases pertains to six different Notifications issued under Section 4 of the Land Acquisition Act, 1894; five Notifications were issued in the month of October/December,2005, whereas the sixth Notification was issued on 1.4.2008.

As per Notification dated 5.10.2005, acquisitions were made in village Aterna, Hadbast No.44, Tehsil

and District Sonapat, for development of Sector 59-60 in villages Nangal Kalan, Aterna and Sersa, Tehsil and District Sonapat.

For the land acquired as per Notification dated 21.12.2005, the Land Acquisition Officer determined the compensation at the rate of Rs. 16,00,000/- (Rupees sixteen lacs only) per acre.

With regard to one of the Notifications dated 5.10.2005, the Reference Court awarded compensation for village Aterna at the rate of Rs.16,00,000/- per acre, whereas for another notification dated 5.10.2005, for village Aterna, the Reference Court awarded compensation at the rate of Rs.21,50,000/- per acre. For Notification dated 21.12.2005, with respect to villages Kundli, Sersa and Nangal Kalan, the compensation was determined at the rate of Rs.21,00,000/- per acre. Another Notification, of the same date, was issued with respect to the aforesaid villages, wherein the compensation was determined at the rate of Rs.27,70,000/- per acre. Notification dated 21.12.2005 with respect to the aforesaid villages was also issued, for that the compensation was determined at the rate of Rs.16,00,000/- per acre; whereas, vide Notification dated 1.4.2008, the Reference Court awarded Rs.27,70,000/- per acre, as the Award was passed on different dates in the years 2012, 2013 and 2014

The High Court had granted the compensation at the rate of Rs.32,00,000/- per acre for the five Notification issued in 2005, whereas for the Notification dated 1.4.2008, there was a time gap of about 2 years and 6 months; therefore, the High Court determined the compensation by giving increase of 12% cumulative, at the rate of Rs.42,60,000/- per acre.

The villages in question are situated adjacent to each other and the G.T. Road passes through village Kundli. Remaining villages are adjacent to the said villages on the either side of the road.

The land owners relied on following sale deeds :-

| Ex. | Date | Area | Sale Consideration in Rs. | Average per acre in Rs. | Revenue Estate |
|-----|-----------|---------|---------------------------|-------------------------|----------------|
| P2 | 10.1.2005 | 6K-0M | 28,12,500/- | 37,50,000/- | Sersa |
| P3 | 12.1.2005 | 23K-15M | 1,24,68,750/- | 42,00,000/- | Sersa |
| P4 | 1.3.2005 | 14K-5M | 71,25,000/- | 40,00,000/- | Sersa |
| P5 | 28.3.2005 | 6K-16M | 44,20,000/- | 52,00,000/- | Sersa |
| P6 | 28.3.2005 | 6K-14M | 43,55,000/- | 52,00,000/- | Sersa |
| P16 | 14.6.2005 | 8K-18M | 55,46,875 | 49,85,955 | Kundli |
| P17 | 14.6.2005 | 28K-13M | 2,43,30,520/- | 67,93,862/- | Kundli |
| P18 | 13.5.2005 | 1K-4M | 12,27,500/- | 81,83,333/- | Kundli |

The State relied on following sale deeds :-

| Ex. | Date | Area | Sale consideration in Rs. | Average per acre in Rs. | Revenue Estate |
|-----|-----------|---------|---------------------------|-------------------------|----------------|
| R8 | 22.2.2005 | 14K-14M | 11,40,000/- | 6,20,408/- | Sersa |
| R9 | 25.1.2005 | 7K-0M | 5,25,000/- | 6,00,000/- | Sersa |

| | | | | | |
|-----|-----------|--------|------------|------------|-------|
| R10 | 24.5.2005 | 5K-7M | 5,70,000/- | 8,52,336/- | Sersa |
| R11 | 19.4.2005 | 8K-00M | 6,00,000/- | 6,00,000/- | Sersa |

The High Court has observed that the sale transactions (Ex. P16 to Ex. P18), pertaining to revenue estate of Kundli, cannot be relied upon for the purpose of assessment of compensation for the acquired land, for the reason that the land pertaining thereto is located on GT Road, whereas, the acquired land is located at some distance therefrom, and no part of it is abutting the GT Road. The sale transactions (Ex. P2 to Ex. P6) when taken into consideration, they are at some distance from the GT Road. The High Court has taken into consideration Ex. P2 to P6 which forms part of Sector 60 and has, therefore, worked out the average price at Rs.44,70,000/- per acre. The best price was reflected in P5 and P6 at village Sersa by which value worked out at the rate of Rs.52,00,000/- per acre. The High Court has determined the value at Rs.44,70,000/- per acre, and by applying the cut of 30%, the value came to Rs.31,29,000/- per acre. The High Court rounded off the compensation at Rs.32,00,000/- for the acquisition made in 2005. The High Court also observed that there was a time gap of about 2 years and 6 months between

Notification dated 5.10.2005 and 1.4.2008. After granting increase of compensation at the rate of 12% per annum with cumulative effect, the landowners were held to be entitled to compensation at the rate of Rs.42,54,920/- (rounded off to Rs.42,60,000/-) per acre.

As regards the determination of compensation made with respect to Notifications issued in 2005, we take into consideration Ex.P3 dated 12.1.2005, which was of 23 Kanals 15 Marlas, as also the sale deeds Ex P5 and P6, for 6 Kanals and 16 Marlas, and 6 Kanals and 14 Marlas, of land respectively. We find that the sale instances of Ex.P16 and P17, which are just adjacent to the GT Road, have been rightly ignored for determination of the valuation, as value of land abutting was more than land at distance therefrom.

However, at the same time, if we work out as per the aforesaid three sale instances, P3, P5, and P/6 the value would come approximately to Rs.48,00,000/- per acre. After deducting 30% amount towards the development, it comes to approximately Rs.34,00,000/- per acre.

Coming to the acquisition pertaining to the year 2008, a lot of development has taken place. The sale exemplars which have been relied upon by the land owners indicate the value, as on 20th January, 2006, to be Rs.80,00,000/- per acre for 6 Kanals 6 Marla;

17th January, 2007 to be Rs. 70,00,000/- per acre for 3 acre 19 marlas; and the sale transaction P10 dated 24.12.2007 to be Rs.1 crore per acre for 5 kanals 12 marlas. The Haryana State Industrial Development Corporation Limited (Now Haryana State Industrial & Infrastructure) has also produced the sale deeds; the compensation of which are for Rs.4,00,000/- per acre of the years 2007 and 2008 but land is not shown to be comparable.

When we take into consideration the exemplor abetting the road, they cannot be taken to be very safe for the purpose of determination of the compensation. However, at the same time, as earlier acquisitions have taken place in the year 2005, obviously prices would go high in the area. Considering the over-all situation, we deem it appropriate to enhance the compensation.

In view of the over all evidence on record, we have to work out suitable enhancement, as lot of development has taken place for acquisition made in the year 2008. Thus, we deem it appropriate to grant compensation at the rate of Rs.47,00,000/- per acre for the acquisition made vide Notification dated 1.4.2008, along with the statutory benefits.

For Notifications issued in the year 2005, we enhance the compensation from Rs.32,00,000/- to Rs.34,00,000/- and for Notification dated 1.4.2008,

we enhance the compensation from Rs.42,60,000/- to Rs.47,00,000/- along with the statutory benefits.

The appeals are, accordingly, disposed of.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGUDAR)

New Delhi,
October 04, 2017

ITEM NO.35

COURT NO.8

SECTION IV-B

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.16197 OF 2017
(Arising out of S.L.P. (C) No.7861 OF 2016)

(Arising out of impugned final judgment and order dated 03-11-2015 in RFA No. 331/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

BRAHAM DEV AND ANOTHER

Appellant(s)

Versus

STATE OF HARYANA AND OTHERS

Respondent(s)

W I T H

CIVIL APPEAL NOS.16260-16265 OF 2017
(Arising out of S.L.P. (C) Nos.16973-16978 of 2016)

CIVIL APPEAL NOS.16257-16259 OF 2017
(Arising out of S.L.P. (C) Nos.13731-13733 of 2016)

CIVIL APPEAL NOS.16198-16234 OF 2017
(Arising out of S.L.P. (C) Nos.11299-11335 of 2016)

CIVIL APPEAL NOS.16235-16255 OF 2017
(Arising out of S.L.P. (C) Nos.13267-13287 of 2016)

CIVIL APPEAL NO.16256 OF 2017
(Arising out of S.L.P. (C) No.13334 of 2016)

CIVIL APPEAL NO.16268-16269 OF 2017
(Arising out of S.L.P. (C) No.16892-16893 of 2016)

CIVIL APPEAL NO.16266 OF 2017
(Arising out of S.L.P. (C) No.17489 of 2016)

CIVIL APPEAL NO.16267 OF 2017
(Arising out of S.L.P. (C) No.17490 of 2016)

CIVIL APPEAL NO. 16271 OF 2017
(Arising out of S.L.P. (C) No.24193 of 2016)

CIVIL APPEAL NO.16270 OF 2017
(Arising out of S.L.P. (C) No.24194 of 2016)

CIVIL APPEAL NO.16272 OF 2017
(Arising out of S.L.P. (C) No.26842 of 2016)

CIVIL APPEAL NO.16332 OF 2017
(Arising out of S.L.P. (C) No.21801 of 2017)
IA No. 71683/2017 - condonation of delay in filing and IA No.
71682/2017 - Exemption from filing O.T. and IA No.
71684/2017-Condonation of delay in refiling

CIVIL APPEAL NO.16273 OF 2017
(Arising out of S.L.P. (C) No.8933 of 2017)

CIVIL APPEAL NO.16330 OF 2017
(Arising out of S.L.P. (C) No.15248 of 2017)

CIVIL APPEAL NOS.17812-17867 OF 2017
(Arising out of S.L.P. (C) Nos.29792-29847 of 2017)
(CC NOS.8777-8832 of 2017)
(For condonation of delay in filing on IA 1/2017)

CIVIL APPEAL NO.16799 OF 2017
(Arising out of S.L.P. (C) No.27493 of 2017)
(D.NO. 12479 OF 2017)
(For condonation of delay in filing on IA 41776 OF 2017)

CIVIL APPEAL NO.16331 OF 2017
(Arising out of S.L.P. (C) No.18292 of 2017)
(For admission)

CIVIL APPEAL NOS.16333-16334 OF 2017
(Arising out of S.L.P. (C) Nos.23906-23907 of 2017)
IA No.76841/2017-condonation of delay in filing and IA No.
76854/2017-Exemption from filing C/C of the impugned judgment
ad IA No. 76844/2017-Exemption from filing O.T.)

CIVIL APPEAL NOS.16343-16344 OF 2017
(Arising out of S.L.P. (C) Nos.25706-25707 of 2017)
IA No. 84863/2017-Condonation of delay in filing and IA No.
84865/2017-Exemption from filing C/C of the impugned judgment

CIVIL APPEAL NOS.16341-16342 OF 2017
(Arising out of S.L.P. (C) Nos.25032-25033 of 2017)

CIVIL APPEAL NOS.16339-16340 OF 2017
(Arising out of S.L.P. (C) Nos.24670-24671 of 2017)
IA No. 82496/2017-Condonation of delay in filing ad IA No.
82497/2017-Exemption from filing C/C of the impugned judgment

CIVIL APPEAL NOS.16337-16338 OF 2017
(Arising out of S.L.P. (C) Nos.24425-24426 of 2017)
IA No. 81094/2017-Condonation of delay in filing and IA
No.81095/2017-Exemption from filing C/C of the impugned
judgment

CIVIL APPEAL NOS.16345-16346 OF 2017
(Arising out of S.L.P. (C) Nos.25711-25712 of 2017)
IA No. 81720/2017-Condonation of delay in filing and IA
No.81721/2017-Exemption from filing C/C of the impugned
judgment

CIVIL APPEAL NOS.16335-16336 OF 2017
(Arising out of S.L.P. (C) Nos.24373-24374 of 2017)
IA No. 81184/2017-Condonation of delay in filing and IA No.
81188/2017-Exemption from filing C/C of the impugned judgment

CIVIL APPEAL NO.17681-17704 OF 2017
(Arising out of S.L.P. (C) No.29674-29697 of 2017)
(D.No. 29504 of 2017)
IA No. 98906/2017-Condonation of delay in filing and IA No.
98909/2017-Exemption from filing C/C of the impugned judgment)

CIVIL APPEAL NO.17705-17752 OF 2017
(Arising out of S.L.P. (C) No.29706-29753 of 2017)
(D.No.30506 of 2017)

Date : 04-10-2017 These petitions were called on for hearing today.

CORAM :

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

For the appearing parties :-

Mr. Ghanshyam Vasisht, AOR
Mr. Parveen Kumar, Adv.
Mr. Piyush Rayal, Adv.
Ms. Smriti Vasisth, Adv.
Mr. Om Prakash Mishra, Adv.

Mr. Sanjeev K. Saroha, Adv.
Mr. Narender S. Sangwan, Adv.
Mr. Anjani Kumar Mishra, AOR

Mr. Dinesh Verma, Adv.
Mr. M.L. Sharma, Adv.
Mr. Rajat Sharma, Adv.
Mr. Subhasish Bhowmick, AOR
Mr. S.L. Aneja, Adv.
Mr. Subhasish Bhowmick, AOR

Mr. Satish Kumar, AOR

Mr. Aditya Singh, AOR

Mr. Shree Pal Singh, AOR

Mr. S.P. Khatri, Adv.
Mr. Aditya Singh, AOR

Mr. Sanjeev K. Saroha, Adv.
Mr. Narender S. Sangwan, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. S.L. Aneja, AOR

Mr. Satish Kumar, AOR

Mr. Nimit Mathur, Adv.
Mr. Sourabh Chugh, Adv.
Mr. S. Ramamani, AOR

Mr. Tarjit Singh Chikkara, Adv.
Ms. Beena, Adv.
Mr. Rajat Rathee, Adv.
Mr. Sanjay Kumar Rathee, Adv.
Mr. Satish Kumar, AOR

Mr. Sanjeev K. Saroha, Adv.
Mr. Narender S. Sangwan, Adv.
Mr. T. Mahipal, AOR

Mr. B.K. Satija, AAG
Mr. Samar Vijay Singh, Adv.
Mr. Sanjay Kr. Visen, Adv.

Ms. Eliza Bar, Adv.
Mr. A. Tewari, Adv.
Mr. Shree Pal Singh, AOR

Mr. Tripurari Ray, Adv.
Mr. B.S. Billowria, Adv.
Mr. Suresh Kr. Sharma, Adv.

Ms. Shilpa Singh, AOR

Mr. Tripurari Ray, Adv.

Mr. B.S. Billowria, Adv.

Mr. Vijay Pratap Singh, Adv.

Ms. Shilpa Singh, AOR

Mr. Alok Sangwan, AAG

Mr. Abhinash Jain, Adv.

Dr. Monika Gusain, AOR

Mr. Samar Vijay Singh, Adv.

Ms. Monika Gusain, AOR

Mr. B.K. Satija, AAG

Mr. Samar Vijay Singh, Adv.

Mr. Sanjay Kr. Visen, Adv.

Mr. A.N. Arora, AOR

Ms. Shilpa Singh, AOR

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

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(SUKHBIR PAUL KAUR)
AR CUM PS

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(Signed order is placed on the file)