

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.98-112 OF 2005

CHANDGI AND ORS.

APPELLANT (S)

VERSUS

STATE OF HARYANA & ANR.

RESPONDENT (S)

WITH

CIVIL APPEAL NO.47 OF 2005

CIVIL APPEAL NO.51 OF 2005

CIVIL APPEAL NOS.88-92 OF 2005

CIVIL APPEAL NOS.93-94 OF 2005

CIVIL APPEAL NO.96 OF 2005

CIVIL APPEAL NOS.114-115 OF 2005

CIVIL APPEAL NOS.122-124 OF 2005

CIVIL APPEAL NOS.133-134 OF 2005

CIVIL APPEAL NO.135 OF 2005

CIVIL APPEAL NOS.136-144 OF 2005

CIVIL APPEAL NOS.146-148 OF 2005

CIVIL APPEAL NOS.150-152 OF 2005

SPECIAL LEAVE PETITION (C) NOS.18359-18369 OF 2009

I.A.NO.8

IN

SPECIAL LEAVE PETITION (C) NO.33010 OF 2009

SPECIAL LEAVE PETITION (C) NO.14714 OF 2010

SPECIAL LEAVE PETITION (C)NO.31303 OF 2011

SPECIAL LEAVE PETITION (C) NO.14486 OF 2013

SPECIAL LEAVE PETITION (C) NOS. 25428-25430 OF 2009

O R D E R

1. Interlocutory Application No.8 of 2009 in S.L.P. (C)No.33010 of 2009 is allowed.
2. Permission to file I.A.(s) in S.L.P.(C)Nos.25428-25430 of 2009 is granted.
3. Delay, if any, in filing/refiling the Special Leave Petition/application(s) for substitution is condoned.
4. Application(s) for substitution(s) is/are allowed.
5. These appeals are directed against the judgment(s) and order(s) passed by the the High Court of Punjab and Haryana in L.P.A No.1273/99, dated 28.11.2000, and L.P.A. Nos.252, 238, 243,

246, 471, 509, 535, 536, 537, 740, 847, 1118, 1120 and 1126 of 2001, dated 07.08.2001, whereby and whereunder, the High Court has affirmed the order of the learned Single Judge granting parity in the instant case with that in the case of Om Prakash vs. State of Haryana, dated 13.03.1995 for awarding compensation.

6. For convenient disposal of the matters, we would only notice the facts in Civil Appeal Nos.98-112 of 2005 as the lead case.

7. Brief facts: The respondent-State had issued Notification No. LAC(G)-88/91, dated 16.12.1988 under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") to acquire 37.26 acres of land in village Khandsa, District Gurgaon for public purposes namely further development of land for Industrial Area in Urban Sector No. 37 at Gurgaon Urban Area. The Notification No. LAC (G) - 89 NTLA/146 dated 14.12.1989 under Section 6 of the Act was issued on finalization of the proceedings.

8. The Land Acquisition Collector (for short, "the LAC"), determined the compensation payable for the acquired lands at Rs. 1.5 lacs per acre for village Khandsa by award dated 03.07.1992.

9. The claimants, not being satisfied with the compensation so awarded by the LAC, approached the LAC and 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 LAC had referred the case of the claimants to the Reference Court where it was registered as L.A. Case No. 134 of 15.05.1995. The appellants had contended before the Reference Court that since the land in question is situated in the vicinity of National Capital Region, attached to Gurgaon City and surrounded by various HUDA sectors and factories, the market value of the land was not lesser than Rs.1000/- per square yard at the time of notification under Section 4 of the Act. The respondent-State, contesting the aforesaid plea, would contend that the market value of the land was lesser than Rs.1000/- per square yard at the time of acquisition and further adequate compensation has been paid for the acquired land and no enhancement in the compensation ought to be granted. The Reference Court after considering the aforesaid submissions had framed the issue with respect to determination of market value of the acquired land at the time of acquisition. The Reference Court for the purpose of determining the value of the land at the time of acquisition, took notice of its decision in *Hambir vs. State of Haryana*, L.A. Case No. 129-A of 03.09.1994, dated 02.09.1996, with respect to the land of village Basai. The said land was acquired under notification dated 08.03.1989 i.e. three months later than the notification for the land in the present case. The compensation for land in the aforesaid case was assessed at the rate of Rs.5.78 lacs per acre. In light of the same, the Reference Court held that the land of village Khandsa has better locational

advantage as it abuts the National Highway No. 8 i.e. Delhi Jaipur Road and therefore allowed 25 percent increase in the market price assessed in respect of the land of village Basai. Accordingly, the Reference Court calculated the market value of the acquired land at the time of acquisition as Rs.7,22,500/- per acre, irrespective of the nature of the land by its order dated 18.10.1996.

10. Dissatisfied with the compensation awarded by the Reference Court, the claimants had preferred a Regular First Appeal before the High Court. The Division Bench of the High Court dismissed the appeal in light of its judgment and order in L.P.A No. 183 of 2000 dated 16.11.2000, wherein it has upheld the judgment and order of the learned Single Judge granting parity with that in the case of Om Prakash and Ors. vs. State of Haryana, L.P.A Case No. 21 of 12.02.1994, dated 13.03.1995, for awarding compensation, wherein the land in village Basai was in question.

11. Aggrieved by the order so passed by the High Court, the appellants are before us in these appeals. The appellants would contend that the High Court has committed an error in law by failing to consider the clear finding of the Reference Court that the land in question has better situational advantage and greater potentiality than the land of village Basai which is located at a distance of 7-8 kms from the City limits. The appellants would further contend that 25 per cent more compensation should be

granted for the land in question over and above the land of village Basai which is assessed at Rs.150 per sq. yard in the case of Om Prakash vs. State, L.P.A Case No. 21 of 12.02.1994, dated 13.03.1995.

12. The learned counsel for the respondents would rely upon the order passed by this Court in Tule Ram (Dead) Through L.Rs. & Anr. vs. State of Haryana, Civil Appeal No. 1990 OF 2008, dated 27.02.2014, wherein the land of village Khandsa was in question. The learned counsel for the respondents relying on the aforesaid case submitted that the market value of the land determined in the village Khandsa in the instant case is fair and reasonable and does not require enhancement in the compensation awarded.

13. We have heard the learned counsel for the parties to the *lis* and also carefully perused the documents on record. We find no infirmity in the order of the Division Bench of the High Court of Punjab and Haryana affirming the order of the learned Singh Judge. Further, in light of the decision of this Court in Tule Ram (Dead) Through L.Rs. & Anr. vs. State of Haryana, Civil Appeal No. 1990 of 2008, dated 27.02.2014, we are of the view that there is no merit whatsoever in the present appeal.

14. Therefore, in our considered opinion, we see no good ground to interfere with the impugned judgment(s) and order(s)

passed by the High Court. Accordingly, the Civil Appeals as well as the Special Leave Petitions are dismissed.

Ordered accordingly.

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

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

.....J.
(ARUN MISHRA)

NEW DELHI;
JANUARY 29, 2015.

ITEM NO.9

COURT NO.1

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). 98-112/2005

CHANDGI & ORS.

Appellant(s)

VERSUS

STATE OF HARYANA & ANR.

Respondent(s)

(with office report)

WITH C.A. No. 47/2005
(With Office Report)C.A. No. 51/2005
(With Office Report)C.A. No. 88-92/2005
(With appln.(s) for c/delay in filing substitution appln. and
appln.(s) for may refer to remarks and Office Report)C.A. No. 93-94/2005
(With Office Report)C.A. No. 96/2005
(With Office Report)C.A. No. 114-115/2005
(With Office Report)C.A. No. 122-124/2005
(With Office Report)C.A. No. 133-134/2005
(With Office Report)C.A. No. 135/2005
(With Office Report)C.A. No. 136-144/2005
(With appln.(s) for may refer to remarks and appln.(s) for may
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Report)C.A. No. 146-148/2005
(With Office Report)

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For Respondent(s) Mr. Kamal Mohan Gupta, Adv.

Rr-ex-parte

Mr. T. V. George, Adv. (NP)

Dr. Monika Gusain, Adv.

Mr. C. L. Sahu, Adv.
Ms. Hema Sahu, Adv.
Mr. Rajendra Sahu, Adv.

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

Interlocutory Application No.8 of 2009 in S.L.P.
(C)No.33010 of 2009 is allowed.

Permission to file I.A.(s) in S.L.P.(C)Nos.25428-25430 of
2009 is granted.

Delay, if any, in filing/refiling the Special Leave
Petition/application(s) for substitution is condoned.

Application(s) for substitution(s) is/are allowed.

The Civil Appeals as well as the Special Leave Petitions
are dismissed, in terms of the signed order.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)