

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2957 OF 2014
(@ SPECIAL LEAVE PETITION(C.)NO.4158 OF 2010)

STATE OF HARYANA AND ORS. . .APPELLANT(S)

VERSUS

ANIL SHRIVASTAVA & ORS. . .RESPONDENT(S)

WITH

CIVIL APPEAL NO. 2958 OF 2014
(@ SPECIAL LEAVE PETITION(C.)NO.1107 OF 2010)

RAJ MAL . .APPELLANT(S)

VERSUS

STATE OF HARYANA & ORS. . .RESPONDENT(S)

WITH

C.A.NO.2959 of 2014 @ S.L.P.(C)NO. 1110 of 2009
C.A.NO.2960 of 2014 @ S.L.P.(C)NO. 2974 of 2009
C.A.NO.2961 of 2014 @ S.L.P.(C)NO. 3208 of 2009
C.A.NO.2962 of 2014 @ S.L.P.(C)NO. 3303 of 2009
C.A.NO.2963 of 2014 @ S.L.P.(C)NO. 7928 of 2009
C.A.NO.2964 of 2014 @ S.L.P.(C)NO. 7929 of 2009
C.A.NO.2965 of 2014 @ S.L.P.(C)NO.11692 of 2009
C.A.NO.2966 of 2014 @ S.L.P.(C)NO.11693 of 2009
C.A.NO.2967 of 2014 @ S.L.P.(C)NO.11694 of 2009
C.A.NO.2968 of 2014 @ S.L.P.(C)NO. 9955 of 2009
C.A.NO.2969 of 2014 @ S.L.P.(C)NO. 9937 of 2009
C.A.NO.2970 of 2014 @ S.L.P.(C)NO.10084 of 2009
C.A.NO.2971 of 2014 @ S.L.P.(C)NO.10082 of 2009
C.A.NO.2972 of 2014 @ S.L.P.(C)NO.18298 of 2009
C.A.NOS.2973-2975 of 2014 @ S.L.P.(C)NOS.28245-28247 of 2011

CIVIL APPEAL No.2976 of 2014 @ S.L.P(C)No.6666/2014 IN CC NO.11911 of 2009

C.A.NOS.2977-2979 of 2014 @ S.L.P.(C)Nos.6670-72/2014
(CC)NOS.12325-12327 of 2009
C.A.NO. 2982 of 2014 @ S.L.P.(C)NO.21210 of 2009
C.A.NO. 2983 of 2014 @ S.L.P.(C)NO.28244 of 2011
C.A.NO. 2984 of 2014 @ S.L.P.(C)NO.22835 of 2009
C.A.NO. 2985 of 2014 @ S.L.P.(C)NO.18067 of 2009
C.A.NOS.2986-2987 of 2014 @ S.L.P.(C)NOS.22826-22827 of 2009
C.A.NO. 2988 of 2014 @ S.L.P.(C)NO.16901 of 2009
C.A.NO. 2989 of 2014 @ S.L.P.(C)NO.18354 of 2009
C.A.NO. 2990 of 2014 @ S.L.P.(C)NO.18774 of 2009
C.A.NO. 2991 of 2014 @ S.L.P.(C)NO.18994 of 2009
C.A.NO. 2992 of 2014 @ S.L.P.(C)NO.18998 of 2009
C.A.NOS.2993-3004 of 2014 @ S.L.P.(C)NOS.26805-26816 of 2009
C.A.NO. 3005 of 2014 @ S.L.P.(C)NO.28900 of 2011
C.A.NO. 3006 of 2014 @ S.L.P.(C)NO.4200 of 2010
C.A.NO. 3007 of 2014 @ S.L.P.(C)NO.4242 of 2010
C.A.NO. 3008 of 2014 @ S.L.P.(C)NO.4292 of 2010
C.A.NO. 3009 of 2014 @ S.L.P.(C)NO.4351 of 2010
C.A.NO. 3010 of 2014 @ S.L.P.(C)NO.4548 of 2010
C.A.NO. 3011 of 2014 @ S.L.P.(C)NO.4961 of 2010
C.A.NO. 3012 of 2014 @ S.L.P.(C)NO.8657 of 2010

C.A.NOS.3013-3018 of 2014 @ S.L.P.(C)NOS.14553-14558 of 2010
C.A.NO. 3019 of 2014 @ S.L.P.(C)NO.15731 of 2010
C.A.NO. 3020 of 2014 @ S.L.P.(C)NO.1232 of 2011
C.A.NO. 3021 of 2014 @ S.L.P.(C)NO.10651 of 2011
C.A.NO. 3022 of 2014 @ S.L.P.(C)NO.29271 of 2010
C.A.NO. 3023 of 2014 @ S.L.P.(C)NO.21501 of 2011
C.A.NO. 3024 of 2014 @ S.L.P.(C)NO.25394 of 2011
C.A.NO. 3025 of 2014 @ S.L.P.(C)NO.24399 of 2010
C.A.NO. 3026 of 2014 @ S.L.P.(C)NO.22070 of 2013
C.A.NO. 3027 of 2014 @ S.L.P.(C)NO.20657 of 2013
C.A.NO. 3028 of 2014 @ S.L.P.(C)NO.8648 of 2010
C.A.NO.6311 of 2009
C.A.NO.6312 of 2009
C.A.NO.6315 of 2009
C.A.NO.6316 of 2009
C.A.NO.6318 of 2009
C.A.NO.6320 of 2009
C.A.NO.6322 of 2009
C.A.NO.6324 of 2009
C.A.NO.6325-6330 of 2009
C.A.NO.6331 of 2009
C.A.NO.6334 of 2009
C.A.NO.6341 of 2009
C.A.No.6335 of 2009
C.A.No.6336 of 2009
C.A.NO.6337 of 2009
C.A.NO.6338 of 2009
C.A.NO.6342 of 2009
C.A.NO.6339 of 2009
C.A.NO.6340 of 2009
C.A.NO.6343 of 2009
C.A.NO.7300 of 2009
C.A.NO. 3029 of 2014 @ S.L.P.(C)NO. 3021 of 2010
C.A.NO. 3030 of 2014 @ S.L.P.(C)NO.24226 of 2009
C.A.NO. 3031 of 2014 @ S.L.P.(C)NO.10801 of 2010
C.A.NO. 3032 of 2014 @ S.L.P.(C)NO.10986 of 2010
C.A.NO.6851 of 2010
C.A.NO.6810 of 2010
C.A.NOS.6854-6858 of 2010
C.A.NO.6852 of 2010
C.A.NO.6809 of 2010
C.A.NOS.6861-6863 of 2010
C.A.NOS.6865-6868 of 2010
C.A.NO.5846 of 2010
C.A.NO.5852 of 2010
C.A.NO.5847 of 2010
C.A.NO. 3033 of 2014 @ SLP(C)NO.20016 of 2010
C.A.NOS.3034-3036 of 2014 @ SLP(C)NOS.20185-20187 of 2009
C.A.NO. 3037 of 2014 @ SLP(C)NO.19874 of 2009
C.A.NOS.3954-3957 of 2011
C.A.NO. 3038 of 2014 @ S.L.P.(C)No.35100 of 2010
C.A.NO.8035 of 2011
C.A.NO.11180 of 2011

O R D E R

1. Delay, if any, in filing the application(s) for substitution, is condoned.
2. Application(s) for substitution, if any, is/are allowed.
3. Delay condoned.
4. Leave granted.
5. This batch of appeals is directed against the common judgment and order passed by the High Court of Judicature in R.F.A.No.3565 of 2003 etc. etc., dated 27.03.2009 and on other respective dates. By the impugned

judgment and order, the High Court while setting aside the award passed by the Reference Court has awarded uniform rate of compensation to the land-loosers/agriculturists.

6. The facts in brief are :

A notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was issued by the acquiring authority on 09.11.1992 to acquire the extent of lands of 2130 kanals and 16 marlas (approximately 262.98 acres) in different villages situate in the State of Haryana.

7. Pursuant to the notification so issued, the land owners/agriculturists had filed their objections under Section 5-A of the Act. After considering the objections that were filed by the land owners/agriculturists, the acquiring authority issued a declaration under Section 6 of the Act by issuing a notification dated 06.11.1993.

8. The Land Acquisition Collector in exercise of his powers under Section 11 of the Act, after considering the claim of the land owners/agriculturists, had quantified the compensation payable for Chahi/Nehri nature of land at Rs.1,80,000/- for Barani nature of land at Rs.1,00,000/- and for Banjar nature of land at Rs.90,000/- respectively.

9. The land owners/agriculturists, being aggrieved by the compensation so awarded by the Land Acquisition Collector had sought for a reference under Section 18 of the Act before the Reference Court for determination of the fair compensation payable to the land owners/agriculturists.

10. After registering the reference and after recording the evidence of the parties, the Reference Court by its award dated 05.01.2002 has enhanced the compensation payable to the land owners/agriculturists at the rate of Rs.100/- per square yard for the Chahi/Nehri nature of land and Rs.60/- per square yard for Gair Mumkin/Banjer nature of land by relying on the decision of the High Court in Rajesh etc. vs. State of Haryana. The Reference Court has also awarded the other statutory benefits payable to the land owners/agriculturists as required under the Act.

11. The land owners/agriculturists approached the High Court by filing Regular First Appeals for enhancement of the compensation so awarded by the Reference Court. The Acquiring Authority also had filed their cross-objections.

12. The High Court, by its impugned judgment and order, disposed of the appeals filed by the land owners/agriculturists in terms of the decision rendered in R.F.A. No. 2453 of 2000 in the case of Smt. Chandernpati & others v State of Haryana and others, and has further enhanced the compensation at a uniform rate of Rs.200/- per square yard. The High Court, while enhancing the rate of compensation has concurred with the observation made in the aforesaid referred case and has come to the conclusion that the entire land was acquired for one purpose and therefore the Reference Court was not justified in treating the land differently by making classification but should have assessed the acquired land at a uniform rate and therefore fixed a uniform rate for all the lands notified by the Government for the purpose of development.

13. Aggrieved by the said order, the State as well as the land owners/agriculturists are before us in these appeals.

14. We have heard Shri Manjit Singh and Dr.Monika Gusain, learned counsel for the State of Haryana and respective learned counsels appearing for the individuals.

15. After carefully going through the records of the case(s) and the impugned judgment(s) and order(s) passed by the High Court, we are of the considered opinion that the High Court has not committed any error whatsoever which would call for our interference in these appeals. Accordingly, while dismissing these appeals, we affirm the impugned

judgment(s) and order(s) passed by the High Court. No order as to costs.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(S.A. BOBDE)

NEW DELHI;
FEBRUARY 26, 2014
ITEM NO.2

COURT NO.3

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) No(s).4158/2010
(From the judgement and order dated 27/03/2009 in RFA No.3565/2003 of the
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA & ORS.

Petitioner(s)

VERSUS

ANIL SRIVASTAVA & ORS.
(With office report)

Respondent(s)

SLP(C)No.1107/2009
(WITH APPLN.(S) FOR PERMISSION TO BRING ADDITIONAL FACTS AND
DOCUMENTS ON RECORD AND PERMISSION TO FILE ADDITIONAL DOCUMENTS AND
OFFICE REPORT)

WITH SLP(C) NO.1110/2009,2974/2009,3208/2009,3303/2009,
7928/2009, 7929/2009,11692/2009,11693/2009,
11694/2009,9955/2009, 9937/2009,10084/2009,
10082/2009,18298/2009,28245-28247/2011,
CC.NO.11911/2009,12325-12327/2009,11756/2009,
SLP(C) NO.21210/2009, 28244/2011,22835/2009,
18067/2009,22826-22827/2009,16901/2009, 18354/2009, 18774/2009,
18994/2009,18998/2009, 26805-26816/2009,28900/2011,
4200/2010,4242/2010, 4292/2010,4351/2010,4548/2010,
4961/2010,8657/2010, 14553-14558/2010,15731/2010,
1232/2011,10651/2011, 29271/2010,21501/2011,25394/2011,24399/2010,
22070/2013, 20657/2013

SLP(C)No.8648/2010, C.A.No.4243/2012 H.S.I.D.C.
WITH 4244/2012,4246/2012,4248/2012,4249/2012,
4251/2012, 4252/2012,4253/2012,4254/2012,
4255/2012,4256/2012,4257/2012, 4258/2012,
4259/2012,4267/2012,4268/2012,4269/2012,
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SLP(C) NO.21114/2012,21115/2012, 21116/2012,21118/2012,
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WITH
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21619/2012, 21621/2012,21623/2012, 21629/2012,
21630/2012, 21631/2012,

C.A.No.6311/2009

WITH
C.A.NO.6312/2009,6315/2009,6316/2009,6318/2009,6320/2009,
6322/2009, 6324/2009,6325-6330/2009,6331/2009,
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6343/2009,7300/2009,SLP(C) NO.3021/2010,24226/2009,
10801/2010,10986/2010,C.A.NO.6851/2010,6810/2010,
6853/2010,6860/2010, 6864/2010,6869/2010,6859/2010,6861-6863/2010,
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5852/2010,5847/2010,SLP(C) NO.20016/2010,
20185-20187/2009,19874/2009,C.A.NO.3954-3957/2011,
SLP(C) NO.35100/2010, C.A.NO.8035/2011,11180/2011,

Date: 26/02/2014 These Petitions/appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr.Manjit Singh, AAG
Ms.Nupur Chaudhary, Adv.
For Mr. Kamal Mohan Gupta,Adv.

Dr.Monika Gusain, Adv.

Dr. Nirmal Chopra,Adv.

Mr.D.K.Sharma, Adv.
Mr.Abhishek Jhamb, Adv.

For Respondent(s)3 Mr.Govind Goel, Adv.
 Dr.Kailash Chand, Adv.
 Ms.Naresh Bakshi, Adv.
 Mr.Sanjay Kr.Yadav, Adv.

 Dr. Nirmal Chopra, Adv.

 Mr.K.L.Nandwani, Adv.
 For Mr.C.S.Ashri, Adv.

 Ms.Anubha Agrawal, Adv.

 Mr.R.V.Kameshwaran, Adv.

 Mr.S.K.Verma, Adv.

 Mr.Rajesh Mahale, Adv.

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

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

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

Delay condoned.

Leave granted.

The Civil Appeals are dismissed with no order as to costs, in terms
of the signed order.

REST OF THE MATTERS:

List on 05.03.2014.

(G.V.Ramana)
Court Master
(Signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar