

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 2383 OF 2019
(Arising out of S.L.P.(C) No.19238 of 2018)

The Greater Mohali Area
Development Authority(GMDA)
Thr. Its Estate OfficerAppellant(s)

VERSUS

Arminderjit Kaur & Anr.Respondent(s)

WITH

CIVIL APPEAL No. 2385 OF 2019
(Arising out of S.L.P.(C) No.19237 of 2018)

AND

CIVIL APPEAL No.2384 OF 2019
(Arising out of S.L.P.(C) No.16038 of 2018)

J U D G M E N T

Abhay Manohar Sapre, J.

1. Leave granted.

2. These appeals are filed against the interim orders passed by the High Court of Punjab and Haryana at Chandigarh on dated 01.02.2018 in C.M. No.7303-CI of 2017 in R.F.A. No.3096 of 2017, C.M. No.8310-CI of 2017 in R.F.A. No.3536 of 2017 and dated 03.04.2018 in C.M. No.709-CI of 2018 in R.F.A. No.1172 of 2017.

3. These appeals involve a short point as would be clear from a few facts mentioned hereinbelow.

4. The proceedings arise out of land acquisition proceedings. The Land Acquisition Officer offered the compensation to the landowners (respondents herein) for their acquired land in question at the rate of Rs.1.36 crore per acre.

5. However, the Civil Court (Reference Court) in reference proceedings filed at the instance of the landowners against the award of Land Acquisition Officer enhanced the rate of compensation payable

to the landowners at Rs.3,8686925/- crores per acre. The figure of enhancement, however, varies marginally in other connected cases.

6. The appellant-Authority as also the landowners have filed their respective first appeals in the High Court of Punjab & Haryana at Chandigarh against the award of the Civil Court (Reference Court).

7. The appellant in their appeal has claimed reduction of the amount awarded by the Civil Court whereas the respondents (landowners) have claimed further enhancement in the rate of compensation awarded by the Reference Court. The appeals are pending for their final disposal.

8. By impugned interim orders, the High Court disposed of the stay applications (CM No. 7303-CI of 2017 and others) filed by the appellant (Greater Mohali Area Development Authority- GMADA) in their pending first appeals (RFA No. 3096 of 2017

and connected matters) filed against the award dated 14.02.2017 passed by Additional District Judge, SAS Nagar, Mohali in LAC No. 00052/2014 and other connected matters.

9. The operative part of the impugned order reads as under :

“Keeping in view the above, the appellants shall deposit the sum of Rs.3.50 crores per acre within 3 months along with statutory benefits and the landowners will be entitled to withdraw the same in the above terms also.

Applications stand disposed of. However, it is made clear that in case the amount is not deposited, the stay shall automatically stand vacated.”

10. The appellant felt aggrieved by the aforesaid interim order of the High Court and has filed the present appeals by way of special leave in this Court questioning its legality and correctness.

11. Heard Ms. Rachna Joshi Issar, learned counsel for the appellant, Mr. V.Giri, Mr. V.K. Garg, learned senior counsel and Ms. Kaveeta Wadia, learned counsel for the respondents.

12. Having heard the learned counsel for the parties and on perusal of the record of the case, we are inclined to dispose of these appeals by passing following order.

13. The appellant shall deposit the entire awarded sum, which is the subject matter of these appeals in the High Court within 3 months.

14. On such deposit being made, the respondents (landowners) will be entitled to withdraw 50% of the awarded sum on furnishing solvent security to the satisfaction of the High Court and remaining 50% amount shall be invested in FDR Scheme in any Nationalized Bank in the name of the Registrar of the High Court.

15. The withdrawal and deposit shall be subject to the result of the appeals.

16. Depending upon the final outcome of the appeals, the amount, which is allowed to be withdrawn by the respondents (landowners) and

which is deposited in the Bank including the interest earned thereon, will be adjusted/given, as the case may be, to the parties concerned as directed in the final order.

17. In the light of the foregoing discussion and the directions, the appeals are allowed in part. The impugned orders are modified to the extent indicated above and the interim *ex parte* order passed by this Court on 18.07.2018 also stands accordingly modified as indicated above.

18. We request the High Court to dispose of the appeals finally preferably within a year.

.....J.
[ABHAY MANOHAR SAPRE]

.....J.
[DINESH MAHESHWARI]

New Delhi;
February 26, 2019