

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.17551-17598 OF 2017
(Arising out of SLP(C)Nos.13307-13354/2015)

CHIEF EXECUTIVE OFFICER, INDORE
DEVELOPMENT AUTHORITY

... APPELLANT(S)

VS.

HIRA LAL (DEAD) THROUGH ITS LRS.
& ANR. ETC.ETC.

... RESPONDENT(S)

WITH

C.A.NOS.17599-17605/2017 @ SLP(C)Nos.13701-13707/2015
C.A.NOS.17606-17611/2017 @ SLP(C) Nos.13754-13759/2015
C.A.NO.17613/2017 @ SLP(C) No.23015/2015
C.A.NO.17612/2017 @ SLP(C) No.20699/2015
C.A.NO.17632/2017 @ SLP(C) No.24577/2015
C.A.NOS.17628-17631/2017 @ SLP(C) Nos.22441-22444/2015
C.A.NOS.17614-17626/2017 @ SLP(C) Nos.22413-22425/2015
C.A.NO.17627/2017 @ SLP(C) No.22429/2015
C.A.NOS.17633-17658/2017 @ SLP(C) Nos.27353-27378/2015
C.A.NO.17659/2017 @ SLP(C) No.32924/2015
C.A.NOS.17660-17672/2017 @ SLP(C) Nos.35724-35736/2015
C.A.NOS.17673-17678/2017 @ SLP(C) Nos. 6899-6904/2016
AND SLP(C) Nos.27535-27536/2016

O R D E R

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C.A.NOS.17599-17605/2017 @ SLP(C)Nos.13701-13707/2015
C.A.NOS.17606-17611/2017 @ SLP(C) Nos.13754-13759/2015
C.A.NO.17613/2017 @ SLP(C) No.23015/2015
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C.A.NO.17659/2017 @ SLP(C) No.32924/2015
C.A.NOS.17660-17672/2017 @ SLP(C) Nos.35724-35736/2015
C.A.NOS.17673-17678/2017 @ SLP(C) Nos. 6899-6904/2016 :

1. Heard learned counsel for the parties.
2. Leave granted.
3. The appeals have been preferred by the respective parties, aggrieved by the determination of compensation made by the High Court, mainly with respect to the three villages. The quantum of compensation awarded by the High Court has been questioned with respect to three Villages, namely, Sukhaliya, Bhawrasala and Kurmedi.
4. The total land acquired was approx. 93.561 hectares from the aforesaid villages, for construction of major road No.10 - connecting AB Road to Indore-Sanwar-Ujjain Road and for industrial plots alongside the MR road (later converted to super corridor for IT) for implementation of Scheme No.139. The Notification under Section 4(1) of the Land

Acquisition Act, 1894 (hereinafter referred to as 'the Act') was issued on 11.10.2002, and declaration under Section 6 followed on 1.11.2002. The Land Acquisition Officer awarded compensation for village Sukhalia @Rs.4.50 lakhs (Rupees Four Lakhs Fifty Thousand only) per hectare for irrigated land, and @Rs.3 Lakhs (Rupees Three Lakhs only) per hectare for unirrigated land; whereas, for village Bhawrasala, the Land Acquisition Officer granted compensation @Rs.4.50 Lakhs (Rupees Four Lakhs Fifty Thousand only) per hectare, and for village Kurmedi, @Rs.4.50 Lakhs (Rupees Four Lakhs Fifty Thousand only) per hectare.

5. The Reference Court, on appeal being preferred, determined the compensation for village Sukhaliya @Rs.25/- Lakhs (Rupees Twenty Five Lakhs only) per hectare; for village Bhawrasala @Rs.24 Lakhs (Rupees Twenty Four Lakhs only) per hectare; and for village Kurmedi, @Rs.25 Lakhs (Rupees Twenty Five Lakhs only) for irrigated land and for unirrigated land, @Rs.16 Lakhs (Rupees Sixteen Lakhs only) per hectare . The High Court has enhanced the compensation for village Sukhalia @Rs.49,13,726/- (Rupees Forty Nine Lakhs Thirteen Thousand Seven Hundred Twenty Six only) per hectare, whereas for village Bhawrasala, the High Court has worked out the compensation @Rs.57,10,271/- (Rupees Fifty Seven Lakhs Ten Thousand Two Hundred Seventy One

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only) per hectare. For village Kurmedi, the High Court has worked out the compensation at Rs.27,88,000/- (Rupees Twenty Seven Lakhs Eighty Eight Thousand only) per hectare for irrigated land, and @Rs.18,58,666/- (Rupees Eighteen Lakhs Fifty Eight Thousand Six Hundred Sixty Six only) per hectare for unirrigated land.

6. Mr. Mukul Rohtagi, learned senior counsel appearing on behalf of the appellant, the Indore Development Authority, submitted that in the case of village Sukhaliya, the High Court has relied upon sale deed-P/2 dated 25.8.2003, which was subsequent to the Notification issued under Section 4 of the Act. Thus, it could not have been taken in consideration. Learned counsel submitted that the sale deed-P/1 dated 10.12.2001 is to be taken into consideration for the village Sukhaliya, having seen the transaction for Rs.60,65,000/- (Rupees Sixty Lakhs Sixty Five Thousand only) per hectare. It was for a very small area, i.e., .10 hectare. Thus, for smallness and development, at least 60% deduction ought to have been made. He also submitted that there was no reason to grant further increase of 15%, as it is not a 'rule of thumb'. There was no evidence indicating that prices have increased in the meantime.

7. In respect of Village Bhawrasala, learned senior counsel submitted that the sale deed was for a small area

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of .07 hectare. It was for residential or commercial purposes for a small plot. Thus, some more deduction, of more than 60%, ought to have been made for smallness as well as for development. No increase was permissible to be given, as the sale deed was dated 23.3.2002 and the acquisition Notification had been issued in the month of October. For village Kurmedi, learned senior counsel submitted that the compensation awarded is on the higher side.

8. Learned counsel appearing on behalf of the landowners submitted, that the compensation deserves to be increased, considering the potentiality of the land, and, particularly, when the land had been acquired for the purpose of construction of major road connecting AB road to Indore-Sanwar-Ujjain Road, as industries have been set-up in the nearby area.

9. After hearing learned counsel for the parties, we find that for village Sukhaliya, sale deed that has been taken into consideration is P/2 dated 25.08.2003, i.e., after about 10 months from the date of issuance of the Notification under Section 4. Thus, the sale deed P/2 could not have been taken into consideration, being subsequent to Notification under Section 4 of the Act. The sale deed P/3 dated 09.10.2003 was also subsequent, and that has also to be ignored. Sale deed P/1 dated

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10.12.2001 is there the only sale deed, where the land measuring .10 hectare was acquired @Rs.60,65,000/- (Rupees Sixty Lakhs Sixty Fity Thousand only) per hectare. That relates to a small area.

10. In our opinion, out of the said sale deed P/1, deduction has to be made for development and smallness; for that we have to consider the facts of the case - development around the land has already taken place, and there is high potentiality of the land as well. We deduct 40% of the amount. The amount comes to Rs.36,39,000/- (Rupees Thirty Six Lakhs Thirty Nine Thousand only) per hectare approximately, and after giving a 12% increase for a period of 10 months, along with statutory benefits, the amount comes to Rs.40,02,900/-. The same is rounded off to Rs.40,03,000/- (Rupees Forty Lakhs Three Thousand only) per hectare.

11. Coming to the village Bhawrasala, the compensation is awarded at the same rate, as the sale deed, that has been relied upon, is dated 23.03.2002, which is before 5 to 6 months. Thus, we award the same compensation for village Bhawrasala as well, i.e., as has been granted for village Sukhaliya, being Rs.40,03,000/- (Rupees Forty Lakhs Three Thousand only) per hectare.

12. In regard to village Kurmedi, we are not inclined to make interference for irrigated land. However, with

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respect to the prices for unirrigated land, we find that in nearby area, some factories have come up; therefore, it would appropriate to grant compensation @Rs.27,88,000/- (Rupees Twenty Seven Lakhs Eighty Eight Thousand only) per hectare; the said amount being what had been granted by High Court for irrigated land. Thus, both the irrigated and unirrigated lands to carry similar compensation.

13. The appeals are accordingly disposed of. Pending application, if any, shall stand disposed of.

SLP(C) Nos.27535-27536/2016

Learned counsel seeks permission to withdraw the petitions.

The special leave petitions are dismissed as withdrawn.

.....J.
[ARUN MISHRA]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
26th October, 2017.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos.13307-13354/2015

(Arising out of impugned final judgment and order dated 12-01-2015 in First Appeal Nos. 901/2008, 649/2009, 650/2009, 651/2009, 655/2009, 656/2009, 657/2009, 710/2009, 762/2009, 763/2009, 769/2009, 774/2009, 796/2009, 155/2010, 156/2010, 157/2010, 158/2010, 159/2010, 160/2010, 161/2010, 164/2010, 167/2010, 168/2010, 169/2010, 252/2010, 253/2010, 536/2010, 772/2009, 773/2009, 777/2009, 778/2009, 783/2009, 784/2009, 786/2009, 787/2009, 789/2009, 790/2009, 538/2010, 542/2010, 559/2010, 549/2010, 553/2010, 554/2010, 555/2010, 557/2010, 754/2009, 551/2010 and 560/2010 passed by the High Court Of M.P. at Indore)

CHIEF EXECUTIVE OFFICER, INDORE DEVELOPMENT
AUTHORITY

Petitioner(s)

VERSUS

HIRA LAL(DEAD) THROUGH ITS LRS. & ANR.ETC.ETC.

Respondent(s)

WITH

SLP(C) Nos.13701-13707/2015 (IV-A)
SLP(C) Nos.13754-13759/2015 (IV-A)
SLP(C) No. 23015/2015 (IV-A)
SLP(C) No. 20699/2015 (IV-A)
SLP(C) No. 24577/2015 (IV-A)
SLP(C) Nos.22441-22444/2015 (IV-A)
SLP(C) Nos.22413-22425/2015 (IV-A)
SLP(C) No. 22429/2015 (IV-A)
SLP(C) Nos.27353-27378/2015 (IV-A)
SLP(C) No. 32924/2015 (IV-A)
SLP(C) Nos. 35724-35736/2015 (IV-A)
SLP(C) Nos. 6899-6904/2016 (IV-A)
SLP(C) Nos.27535-27536/2016 (IV-A)

Date : 26-10-2017 These petitions were called on for hearing today.

CORAM :

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

For Petitioner(s) Ms. Indu Malhotra, Sr. Adv.
Mr. Lokesh Arya, Adv.
Mr. Sachin Arya, Adv.
Mr. Tanvir Nayar, Adv.

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Ms. Rakhi Mohanty, Adv.
Mr. Prashant Singh, Adv.
Mr. P.L. Chaudhary, Adv.
Mr. Shivang Dubey, Adv.
For Mr. Vikas Mehta, AOR

For Respondent(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Sanjay Kapur, AOR
Mr. Ripusudan Sharma, Adv.
Ms. Megha Karnwal, Adv.
Ms. Mansi Kapur, Adv.

Mr. Mishra Saurabh, AOR

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

C.A.NOS.17599-17605/2017 @ SLP(C)Nos.13701-13707/2015,
C.A.NOS.17606-17611/2017 @ SLP(C) Nos.13754-13759/2015,
C.A.NO.17613/2017 @ SLP(C) No.23015/2015, C.A.NO.17612/2017
@ SLP(C) No.20699/2015, C.A.NO.17632/2017 @ SLP(C) No.
24577/2015, C.A.NOS.17628-17631/2017 @ SLP(C) Nos.22441-
22444/2015, C.A.NOS.17614-17626/2017 @ SLP(C) Nos.22413-
22425/2015, C.A.NO.17627/2017 @ SLP(C) No.22429/2015,
C.A.NOS.17633-17658/2017 @ SLP(C) Nos.27353-27378/2015,
C.A.NO.17659/2017 @ SLP(C) No.32924/2015, C.A.NOS.17660-
17672/2017 @ SLP(C) Nos.35724-35736/2015 and C.A.NOS.17673-
17678/2017 @ SLP(C) Nos. 6899-6904/2016 :

Leave granted.

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

SLP(C) Nos.27535-27536/2016

The special leave petitions are dismissed as withdrawn in terms of the signed order.

(Sarita Purohit)
Court master

(Tapan Kumar Chakraborty)
Branch Officer

(Signed order is placed on the file)