

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.9815-9818 2017

DARSHAN SINGH & ORS ETC ETC

APPELLANT(S)

VERSUS

STATE OF PUNJAB & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO.9870/2017

CIVIL APPEAL NO.705-738/2017

CIVIL APPEAL NO.9819/2017

CIVIL APPEAL NO.9911-9912/2017

CIVIL APPEAL NO.9862-9869/2017

CIVIL APPEAL NO.2366/2017

CIVIL APPEAL NO.2115/2017

CIVIL APPEAL NO.3023-3024/2017

CIVIL APPEAL NO.10391-10392/2017

CIVIL APPEAL NO.10264/2017

CIVIL APPEAL NO.15152-15174/2017

CIVIL APPEAL NO.16372-16373/2017

J U D G M E N T

ARUN MISHRA, J.

1. These appeals have been preferred by the Jalandhar Improvement Trust as well as the land owners against the determination of compensation made by the High Court. The land owners have preferred appeals for higher compensation; whereas, the stand of Jalandhar Improvement Trust is vice-versa.

2. The Schemes prepared by the Jalandhar Improvement Trust had been approved by the State Government in exercise of power conferred under Section 42 of the Punjab Town Improvement Trust Act, 1922 (hereinafter referred to as the "Trust Act 1922). NOCs were issued by the State Government for the purpose of the schemes prepared by the Trust for acquisition of land.

3. In the case relating to the acquisition of an area measuring 74.9 acres, the order was passed by Land Acquisition Collector awarding compensation at the rate of Rs.2,000/- per marla along with statutory benefits. On reference being made under the provisions of the Land Acquisition Act, the Tribunal did not enhance the compensation awarded by the Land Acquisition Collector. Aggrieved thereby, appeals were preferred before the High

Court; the cases were remanded to the Tribunal. The Tribunal, vide order dated 21.02.2013, awarded compensation at the rate of Rs.4500/- per marla. Dissatisfied, appeals were again preferred before the High Court. The High Court has enhanced the compensation, vide the impugned judgment and order, at the rate of Rs.8727/- per marla, i.e. Rs.13,96,320/- per acre, and further 20% enhancement was awarded upto the depth of 240 feet abutting the National Highway No.1. Aggrieved thereby, the appeals have been preferred by the Trust.

4. The notification under Section 36 of the Trust Act, 1922 was published on 29.07.1993, with respect to the acquisition of "94.5 Acre Development Scheme", situated on a bypass of National Highway No.1-Jalandhar bus stand was at a distance of 3 kilometers from the land, and the railway station, 2 kilometers. Industries and schools are situated nearby the land. The Land Acquisition Collector determined the compensation at the rate of Rs.12,000/- per marla for the land abutting the by-pass road upto the depth of 240 feet, and Rs.10,000/- per marla for the remaining land. The Reference Court enhanced the amount to Rs.15,000/- and Rs.10,000/-, per marla respectively. The High Court, in writ petitions, remanded the cases to the Tribunal for deciding compensation afresh. Thereafter, the Tribunal has determined the

compensation at the rate of Rs.15,000/- per marla for land abutting road, and Rs.12,000/- for the remaining land. The High Court, in writ petitions, enhanced the compensation; for land abutting the bypass at the rate of Rs.16,080/- per marla, and for remaining land at the rate of Rs.13,400/- per marla, with statutory benefits under the Land Acquisition Act. Aggrieved thereby, the appeals have been preferred.

5. Another scheme i.e. "170 Acres Development Scheme" was framed by the Trust, and the notification under Section 36 of the Trust Act, 1922 was issued on 12th May, 2000. The Land Acquisition Collector determined the compensation at the rate of Rs.20,00,000/- per acre. The reference court in reference under Section 18 of the Land Acquisition Act, enhanced the compensation to Rs.23,76,000/- per acre. In the writ petitions, the High Court has determined the compensation on a three fold basis, vide the impugned judgment and order:-

- (i) For the land abutting bypass to the extent of 240 feet depth, the compensation is awarded at the rate of Rs.26,180/- per marla i.e. Rs.41,88,800/- per acre.
- (ii) For the land recorded as gairmumkin chappar (pond) the compensation is awarded at the rate of Rs.18545/- per marla i.e. Rs.29,67,200/- per acre.

(iii) For remaining land the compensation is awarded at the rate of 21,816/- per marla i.e. Rs.34,90,560/- per acre along with statutory benefits.

6. For another scheme-called "Maharaja Ranjit Singh Scheme"-notification under Section 36 of the Trust Act, 1922 was issued on 31st May, 2004, for acquisition of land in area of 70.50 acres. The Land Acquisition Collector determined the compensation at the rate of Rs.24,000/- per marla, i.e. Rs.38,40,000/- per acre, vide order dated 25th May, 2007. The Tribunal did not interfere with the compensation determined by the Land Acquisition Collector. The High Court, by the impugned judgment and order, has awarded compensation at the rate of Rs.32,942/- per marla, i.e. Rs.52,70,7200/- per acre. As no part of the acquired land was directly abutting the National Highway, the said compensation has been determined uniformly for the entire area.

7. It was submitted, by learned counsel appearing on behalf of the land owners, that inadequate compensation has been granted, and the compensation deserves to be enhanced considering the potentiality of the land; and for area of the tax, less compensation has been awarded. There was no rhyme or reason for awarding a lesser compensation for the area covered under the pond as compared to other area

which was not abutting the highway. Belting system adopted by the High Court was not proper, and considering the increase in the prices, at least 12 to 15 per cent cumulative increase on yearly basis ought to have been granted. The High Court has not considered the exemplars placed on record, the compensation needs to be suitably enhanced.

8. Learned counsel appearing on behalf of the Trust urged, that High Court has awarded compensation on the higher side; no case for its enhancement is made out; rather, it is required to be suitably reduced. Appropriate cut has not been applied in relation to the land, that was under a low lying area, being of no use to anyone, and being inhabitable; and the compensation that has been determined is on a higher side and thus the same be reduced. The exemplars of close proximity of time to notification were submitted; they were required to be considered.

9. After hearing learned counsel for the parties, we are of the opinion, that if we take into consideration the exemplars placed on record in the cases, and recalculate compensation, the prices that have been worked out by the High Court are found to be quite reasonable. The High Court is right in coming to the correct conclusion. Even

if we apply the test of yearly increase, and also consider the exemplars independently, and apply proper cuts; in our opinion, the calculation made on the basis of annual increase along with deduction that has been made in the cases, the compensation determined is quite reasonable. In all the instant cases, compensation cannot be said to be either excessive or on a lower side. The compensation determined for different lands is also found to be quite reasonable, and on sound basis. There is no case for any interference in the appeals. However, it was submitted, that cumulative increase ought to have been granted on the basis of the comparative sale deed evidence brought on record. Even when the the sale deeds are taken into consideration, and the cumulative increase is granted, and thereafter appropriate cut is applied, the compensation that has been granted by the High Court is quite reasonable. We find the determination of compensation on the basis of exemplars that are on record and also on the basis of the awards to be quite appropriate. With the help of learned counsel for the parties, we have recalculated the compensation and ultimately reached the conclusion that the determination that has been made by the High Court, to be correct after applying the cumulative increase and deduction of 1/3rd. The compensation that has been awarded is found to be appropriate.

10. No case for interference in the cases, either at the instance of the Trust or of the land owners, is made out. However, it was submitted before us, that some of the amount, has been deposited before this Court. The amount deposited in this Court is directed to be transmitted forthwith to the reference court, along with interest, if any, accrued thereupon. Let the reference court distribute the amount as early as possible. The deficit amount, or the cases in which no deposit has been made, the amount is to be paid within two months from today, along with statutory benefits.

The appeals are accordingly disposed of.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI,
NOVEMBER 1, 2017.

REVISED

ITEM NO.1

COURT NO.10

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCivil Appeal No(s).9815-9818/2017

DARSHAN SINGH & ORS ETC ETC

Appellant(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

WITH

C.A.No.9870/2017 (IV)C.A.No.705-738/2017 (IV)

(I.A.49/2017 is listed against this matter.)

FOR [IA FOR DIRECTIONS(IN CA 705/17)] ON IA 27262/2017
 FOR [A FOR INTERVENTION, DIRECTION FOR COMPENSATION FOR EXEMPTION
 FROM OT(IN CA 705/17)] ON IA 37595/2017. ISSUE NOTICE ON I.A. NO.
 49 AND 50 OF 2017 AS PER HON'BLE COURT ORDER DATED 25.09.2017.
 NOTICE SERVED ON 25.09.2017.)

C.A.No.9819/2017 (IV)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 58381/2017)

C.A.No.9911-9912/2017 (IV)C.A.No.9862-9869/2017 (IV)C.A.No.2366/2017 (IV)C.A.No.2115/2017 (IV)C.A.No.3023-3024/2017 (IV)C.A.No.10391-10392/2017 (IV)C.A.No.10264/2017 (IV)(UNDERTAKING GIVEN BY THE ADVOCATE. and IA No.56528/2017-PERMISSION
TO FILE ADDITIONAL DOCUMENTS)C.A.No.15152-15174/2017 (IV)(FOR ADMISSION and I.R. and IA No.88803/2017-CONDONATION OF DELAY
IN FILING)

C.A.No.16372-16373/2017 (IV)

(IA No.89931/2017-CONDONATION OF DELAY IN FILING and IA No.89932/2017-CONDONATION OF DELAY IN REFILING)

Date : 01-11-2017 These appeals were called on for hearing today.

CORAM :

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

For Appellant(s)

Mr.Abhishek Sharma, AOR

Mr.Siddharth Batra, Adv.

Mr.Ravinder Kumar, Adv.

Mr.Madhur Panwar, Adv.

Mr.Vipin Kumar Jai, AOR

Mr.Binay Kumar Das, AOR

Mr.B.K. Pal, AOR

Mr.Pushpinder Singh, Adv.

Mr.G.S.Attariwal, Adv.

Ms.Anurag Rana, Adv.

Ms.Shalini Kaul, AOR

For Respondent(s)

Mr.Ajay Bansal, Adv.

Mr.Kuldip Singh, Adv.

Mrs.Veena Bansal, Adv.

Mr.K.K.Mahalik, Adv.

Mr.Gaurav Yadava, Adv.

Ms.Ranjeeta Rohatgi, AOR

Ms.Shabana, Adv.

Mr.Harinder Mohan Singh, AOR

Mr.Kapil Sibal, Sr.Adv.

Mr.Ankur Chawla, Adv.

Mr.Rajesh Kumar, AOR

Mr.Shekhar Pal Sharma, Adv.

Mr.Sanjay Kumar Visen, AOR

Ms.Ankita M.Bhardwaj, Adv.

Mr.Rajat Bhardwaj, Adv.

Mr.Yogesh Kumar Dahiya, Adv.

Mr.Ritesh Khatri, AOR

Ms.Pallavi Langar, AOR

Mr.Sudhansu Palo, AOR

Mr.Chandra Bhushan Prasad, AOR

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

Delay condoned.

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

Pending applications, if any, also stand disposed of
accordingly.

(Ashok Raj Singh)
Court Master
(Signed Order is placed in the file)

(Jagdish Chander)
Court Master