

ITEM NOS.7+9+10+20+22+23+24+28

COURT NO.5

SECTION IV-B

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 (C) No(s). 11275/2016

(Arising out of impugned final judgment and order dated 03-11-2015 in RFA No. 1941/2012 passed by the High Court of Punjab & Haryana at Chandigarh)

RAJBIR AND ORS.

PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

RESPONDENT(S)

WITH

SLP (C) No. 29476-29487/2016 (IV-B)

SLP (C) No. 24124-24132/2016 (IV-B)

SLP (C) No. 12648/2016 (IV-B)

SLP (C) No. 10310/2017 (IV-B)

SLP (C) No. 13327-13328/2016 (IV-B)

SLP (C) No. 16418-16419/2016 (IV-B)

SLP (C) No. 25444-25445/2016 (IV-B)

SLP (C) No. 17671-17677/2016 (IV-B)

SLP (C) No. 17699-17703/2016 (IV-B)

SLP (C) No. 17664-17668/2016 (IV-B)

SLP (C) No. 13502-13513/2016 (IV-B)

SLP (C) No. 16392-16395/2016 (IV-B)

SLP (C) No. 17657-17662/2016 (IV-B)

SLP (C) No. 19791-19792/2016 (IV-B)

SLP (C) No. 16347-16348/2016 (IV-B)

SLP (C) No. 18171-18186/2016 (IV-B)

SLP (C) No. 18146-18148/2016 (IV-B)

SLP (C) No. 16350-16384/2016 (IV-B)

SLP (C) No. 17260-17281/2016 (IV-B)

SLP (C) No. 19672-19775/2016 (IV-B)

SLP (C) No. 19322-19371/2016 (IV-B)

SLP (C) No. 22364-22373/2016 (IV-B)

SLP (C) No. 22379-22383/2016 (IV-B)

SLP (C) No. 19089-19096/2016 (IV-B)

SLP (C) No. 9736-9737/2016 (IV-B)

SLP (C) No. 20296-20313/2016 (IV-B)

SLP (C) No. 16326-16334/2016 (IV-B)

SLP (C) No. 17821-17824/2016 (IV-B)

SLP (C) No. 14010/2016 (IV-B)

SLP (C) No. 11064/2016 (IV-B)

SLP (C) No. 11274/2016 (IV-B)

SLP (C) No. 9106/2016 (IV-B)

SLP (C) No. 11063/2016 (IV-B)

SLP (C) No. 11058/2016 (IV-B)

SLP (C) No. 11281/2016 (IV-B)

(WITH IA No.85059/2017-PERMISSION TO PLACE ADDITIONAL FACTS AND
GROUNDS and IA No.85060/2017-EXEMPTION FROM FILING O.T.)

SLP (C) No. 12980/2016 (IV-B)

SLP (C) No. 11061/2016 (IV-B)

SLP (C) No. 11292/2016 (IV-B)
SLP (C) No. 11062/2016 (IV-B)
SLP (C) No. 8561/2016 (IV-B)
SLP (C) No. 11273/2016 (IV-B)
SLP (C) No. 8841/2016 (IV-B)
SLP (C) No. 17494/2016 (IV-B)
SLP (C) No. 16339-16342/2016 (IV-B)
SLP (C) No. 17471-17482/2016 (IV-B)
SLP (C) No. 11243-11246/2016 (IV-B)
SLP (C) No. 34462/2016 (IV-B)
SLP (C) No. 11294/2016 (IV-B)
SLP (C) No. 22183-22205/2016 (IV-B)
SLP (C) No. 14373-14394/2016 (IV-B)
SLP (C) No. 16399-16410/2016 (IV-B)
SLP (C) No. 14432-14433/2016 (IV-B)
SLP (C) No. 14431/2016 (IV-B)
SLP (C) No. 14367-14370/2016 (IV-B)
SLP (C) No. 33585-33587/2016 (IV-B)
SLP (C) No. 14371-14372/2016 (IV-B)
SLP (C) No. 14434/2016 (IV-B)
SLP (C) No. 14430/2016 (IV-B)
SLP (C) No. 18618-18620/2016 (IV-B)
SLP (C) No. 23518/2016 (IV-B)
SLP (C) No. 17602/2016 (IV-B)

SLP (C) No. 25634/2016 (IV-B)
SLP (C) No. 17211-17214/2016 (IV-B)
SLP (C) No. 18649/2016 (IV-B)
SLP (C) No. 16344/2016 (IV-B)
SLP (C) No. 25057-25058/2016 (IV-B)
SLP (C) No. 30902-30903/2016 (IV-B)
SLP (C) No. 28818/2016 (IV-B)
SLP (C) No. 25055/2016 (IV-B)
SLP (C) No. 28812-28813/2016 (IV-B)
SLP (C) No. 7726-7731/2017 (IV-B)
SLP (C) No. 32948/2016 (IV-B)
SLP (C) No. 33588/2016 (IV-B)
SLP (C) No. 28817/2016 (IV-B)
SLP (C) No. 30330/2016 (IV-B)
SLP (C) No. 1338-1341/2017 (IV-B)
SLP (C) No. 7668/2017 (IV-B)
SLP (C) No. 36523/2016 (IV-B)
SLP (C) No. 32431/2016 (IV-B)
SLP (C) No. 38685/2016 (IV-B)
SLP (C) No. 38686/2016 (IV-B)
SLP (C) No. 38740/2016 (IV-B)
SLP (C) No. 3374-3375/2017 (IV-B)
SLP (C) No. 2398-2399/2017 (IV-B)

SLP(C) No. 2386-2387/2017 (IV-B)

SLP(C) No. 19654-19666/2017 (IV-B)
(APPLN. FOR CONDONATION OF DELAY IN FILING ON IA 42063/2017
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
42066/2017)

Diary No. 11928/2017-(IV-B)
(WITH APPLN. FOR CONDONATION OF DELAY IN FILING SLP)

SLP(C) No. 18610/2017(IV-B)
(WITH APPLN. FOR CONDONATION OF DELAY IN FILING SLP)

SLP(C) No.23353/2017 (DIARY NO. 12389/2017)
(WITH APPLN. FOR CONDONATION OF DELAY IN FILING SLP)

SLP(C) No.23349/2017 (DIARY NO. 14025/2017)
(WITH APPLN. FOR CONDONATION OF DELAY IN FILING SLP)

SLP(C) Nos. 19685-19686/2017
(WITH APPLN. FOR CONDONATION OF DELAY IN FILING AND REFILING SLP,
EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, PERMISSION TO
FILE SLP)

SLP(C) No. 20073/2017

SLP(C) Nos. 19257-19258/2017

ITEM NO.9

SLP(C) No.23427-23432/2017 (Diary No. 22427/2017)
(WITH APPLN. FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

ITEM NO.10.

SLP(C) No. 23057/2017
(WITH APPLN. FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

ITEM NO.20.

Diary No. 16554/2017

ITEM NO.22.

SLP(C) No. 25395-25397/2016

SLP(C) No. 25853/2016

SLP (C) No. 34786-34823/2016

SLP (C) No. 26989-27017/2016

SLP (C) No. 31489-31516/2016

SLP (C) No. 25792-25793/2016

SLP (C) No. 36799-36815/2016

SLP (C) No. 34877/2016

SLP (C) No. 34874/2016

SLP (C) No. 30164-30312/2016

SLP (C) No. 34875/2016

SLP (C) No. 34876/2016

SLP (C) No. 806/2017

SLP (C) No. 808/2017

SLP (C) No. 807/2017

SLP (C) No. 37896-37897/2016

SLP (C) No. 6057/2017

SLP (C) No. 2455/2017

SLP (C) No. 8213-8220/2017

SLP (C) No. 8352-8353/2017

Diary No. 10839/2017

SLP (C) No. 18607-18608/2017

SLP (C) No. 19817/2017

Diary No. 23208/2017

ITEM NO.23.

SLP (C) No. 12286-12300/2016

SLP (C) No. 25456/2016
SLP (C) No. 12689-12690/2016
SLP (C) No. 12691-12699/2016
SLP (C) No. 12311-12329/2016
SLP (C) No. 12700-12704/2016
SLP (C) No. 17614-17616/2016
SLP (C) No. 26235-26236/2016
SLP (C) No. 29608/2016
SLP (C) No. 24906/2016
SLP (C) No. 31019/2016
SLP (C) No. 3403-3404/2017
SLP (C) No. 37949/2016

ITEM NO.24

SLP (C) No. 5947-5948/2017

ITEM NO.28

Diary No. 5081/2017

(WITH APPLN(S) FOR

IA NO.58060/2017-CONDONATION OF DELAY IN FILING AND

IA NO.58063/2017-APPLICATION FOR SUBSTITUTION AND

IA NO.58062/2017-EXEMPTION FROM FILING O.T. AND

IA NO.58064/2017-DELETING THE NAME OF RESPONDENT AND

IA NO.58061/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Diary No. 26531/2017

(WITH APPLN(S) FOR

IA NO.86503/2017-CONDONATION OF DELAY IN FILING AND

IA NO.86504/2017-PERMISSION TO FILE SLP/TP AND

IA NO.86505/2017-APPLICATION FOR SUBSTITUTION AND

IA NO.86506/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.

AND IA NO.86507/2017-APPLICATION FOR SETTING ASIDE THE ABATMENT)

Date : 06-09-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

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Mr. Shrey Dambhare, Adv.

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Mr. Jagbir S. Malik, Adv.

Mr. K.R. Anand, Adv.

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Mr. Satya Pal Khatri, Adv.

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Mr. Ajay Sharma, Adv.

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Mr. Siddharth Mittal, AOR
Ms. Usha Nandini. V, AOR

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Mr. S.B. Bhat, Adv.

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

SLP(C) NOS.11275/2016, 24124-24132/2016, 11064/2016, 11274/2016,
17260-81/2016, 1338-1341/2017, 11063/2016, 11058/2016, 23353/2017,
14430/2016, 18649/2016, 19685-19686/2017, 14367-14370/2016,
14371-14372/2016, 18618-18620/2016, 17602/2016, 10310/2017

Permission to file special leave petition(s) is granted.

Delay condoned.

Leave granted.

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

SLP(C) No.11281/2016 AND SLP(C) No.12286-12300/2016, 12691-99/2016,
12311-329/2016 & 31019/2016

List after six months.

(ITEM NO.22)

SLP(C) No.25395-25397/2016, SLP(C) No. 25853/2016,

SLP(C) No. 34786-34823/2016, SLP(C) No. 26989-27017/2016,

SLP (C) No. 31489-31516/2016, SLP (C) No. 25792-25793/2016,
SLP (C) No. 36799-36815/2016, SLP (C) No. 34877/2016,
SLP (C) No. 34874/2016, SLP (C) No. 30164-30312/2016,
SLP (C) No. 34875/2016, SLP (C) No. 34876/2016,
SLP (C) No. 806/2017, SLP (C) No. 808/2017, SLP (C) No. 807/2017,
SLP (C) No. 37896-37897/2016, SLP (C) No. 6057/2017,
SLP (C) No. 2455/2017, SLP (C) No. 8213-8220/2017,
SLP (C) No. 8352-8353/2017, Diary No. 10839/2017,
SLP (C) No. 18607-18608/2017, SLP (C) No. 19817/2017 &
Diary No. 23208/2017

List these matters on 13.09.2017.

REST OF THE MATTERS

Permission to file special leave petition(s) is granted.

Delay condoned.

Abatement, if any, is set aside.

I.A. No.58063/2017 in Diary No.5081/2017 and I.A. No.86505/2017 in Diary No.26531/2017 are allowed.

I.A. No.58064/2017 in Diary No.5081/2017 is allowed, at the risk of the petitioners.

Issue notice in all the fresh matters.

List all the matters after the judgment is passed by the High Court in terms of the judgment of this Court dated 06.09.2017 passed in Civil Appeal arising from SLP (C) No.11275/2016 and batch.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASST. REGISTRAR

(Signed "Non-Reportable" Judgment, as above, is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) . 12847 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO(S) .11275/2016]

RAJBIR AND ORS.

APPELLANT (S)

VERSUS

STATE OF HARYANA AND ORS.

RESPONDENT (S)

WITH

CIVIL APPEAL NO(S) .14637-645 OF 2017 @ SLP(C) NOS.24124-24132/2016,
CIVIL APPEAL NO(S) . 14601 OF 2017 @ SLP(C) No.11064/2016,
CIVIL APPEAL NO(S) . 14599 OF 2017 @ SLP(C) No.11274/2016,
CIVIL APPEAL NO(S) . 14611-14632 OF 2017 @ SLP(C) No.17260-81/2016,
CIVIL APPEAL NO(S) .14646-14649 OF 2017 @ SLP(C) NOS.1338-1341/2017,
CIVIL APPEAL NO(S) . 14600 OF 2017 @ SLP(C) No.11063/2016,
CIVIL APPEAL NO(S) . 14602 OF 2017 @ SLP(C) No. 11058/2016,
CIVIL APPEAL NO(S) . 14653 OF 2017 @ SLP(C) No. 23353/2017,
CIVIL APPEAL NO(S) . 14605 OF 2017 @ SLP(C) No. 14430/2016,
CIVIL APPEAL NO(S) . 14633 OF 2017 @ SLP(C) No. 18649/2016,
CIVIL APPEAL NO(S) .14651-14652 OF 2017 @ SLP(C) No.19685-19686/2017,
CIVIL APPEAL NO(S) .14606-14609 OF 2017 @ SLP(C) No.14367-14370/2016,
CIVIL APPEAL NO(S) .14603-14604 OF 2017 @ SLP(C) No.14371-14372/2016,
CIVIL APPEAL NO(S) .14634-14636 OF 2017 @ SLP(C) No.18618-18620/2016,
CIVIL APPEAL NO(S) .14610 OF 2017 @ SLP(C) No. 17602/2016,
CIVIL APPEAL NO(S) .14650 OF 2017 @ SLP(C) No. 10310/2017

J U D G M E N T

KURIAN, J.

Leave granted.

2. Both the claimants and the State are before this Court, aggrieved by the compensation awarded with respect to the land acquired for the purpose of Kundli-Manesar-Palwal Project (for short 'KMP Project').

3. The Section 4(1) Notification was issued on 13.08.2004 in respect of around 151 acres of land in four villages i.e. Badh Malik, Pritampura, Jatheri and Akabarpur Barota. The same was followed by Declaration dated 26.8.2004 under Section 6 of the Act. Dissatisfied by the Award of the Collector, the land owners filed objections, however, the Reference Court upheld the Award of the Collector. In the impugned judgment, the High Court has fixed the compensation in the following manner :-

For the land abutting GT Road upto the depth of four acres	Rs.35,70,000/- per acre
For the land upto to the boundary of Sector 38	Rs.27,20,000/- per acre
For the land from the boundary of Sector 38 upto one km.	Rs.18,20,000/- per acre
For remaining land	Rs.12,20,000/- per acre

4. In the nature of order we propose to pass, it is not necessary to go into the various contentions except to note that, in our view, the High Court has gone wrong in placing reliance on a subsequent acquisition for which Section 4(1) Notification was issued on 17.11.2005 for Rajiv Gandhi Education City and fixing the land value for the KMP Project by

introducing the method of an appropriate reduction. Another error, in our opinion, is in adopting the belting system. Being an acquisition for an Express Way passing through different parcel of land, there is no need or justification for adopting the belting system. Further, the High Court committed a mistake in introducing cuts. If the land value is to be fixed for KMP Project acquisition, the relevant factors which are to be noted are mainly the value that was prevalent in the locality prior to 13.08.2004.

5. We are informed that several documents are available for fixing the land value. We are also of the view that the High Court should bear in mind, while fixing the land value, that the road brings development and the value of the land on either side of the Highway increases and the land owners on either side of the land are also benefited by the construction of a new road. However, the High Court has also to take into consideration the reconstructions on use of the land to an extent of 200 feet on either side of the road.

6. We are also informed that certain matters pertaining to the very same acquisition have already been remitted by this Court.

7. For all the above reasons, we set aside the impugned order and remit the matters to the High Court for consideration afresh.

8. The appeals are, accordingly, disposed of.

9. We request the High Court to dispose of these cases expeditiously and preferably within a period of six months.

10. Pending applications, if any, shall stand disposed of.

11. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
SEPTEMBER 06, 2017.