

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 19366-19367 OF 2017
(Arising out of SLP(C)Nos.2763-2764/2016)

SATISH KUMAR & ANR. ETC. APPELLANT(S)
VERSUS

STATE OF HARYANA & ANR. RESPONDENT(S)

WITH

CIVIL APPEAL NO. 19399 OF 2017
(Arising out of SLP(C) No. 7397/2017)

CIVIL APPEAL NOS. 19375-19391 OF 2017
(Arising out of SLP(C)Nos.32196-32212/2016)

CIVIL APPEAL NOS. 19392-19393 OF 2017
(Arising out of SLP(C)Nos.38486-38487/2016)

CIVIL APPEAL NOS.19368-19374 OF 2017
(Arising out of SLP(C)Nos.16385-16391/2016)

CIVIL APPEAL NOS. 19394-19398 OF 2017
(Arising out of SLP(C) Nos.2450-2454/2017)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. These appeals have been preferred by the land owners for enhancement of the

compensation. The land was acquired vide notification dated 22.02.2007 issued under Section 4 of the Land Acquisition Act, 1894.

4. The Land Acquisition Collector determined the compensation @ Rs.15 lacs per acre, and Rs. 14 lacs per acre, respectively, for lands covered by notification in the year 2007. The Reference Court determined the compensation at Rs. 29 lacs per acre, and Rs. 28 lacs per acre, respectively, on the basis of classification of the land.

5. The High Court has determined the compensation @ Rs. 35 lacs per acre for the acquisition made vide the aforesaid notification. The land was acquired for Sectors 8 and 9 Dadri.

6. Another notification under Section 4 was issued for the same village on 18.12.2008. The Land Acquisition Collector had determined the compensation @ Rs. 40

lacs per acre. The Reference Court determined the compensation @ Rs. 61,49,212/- per acre. The High Court has affirmed the same. The said acquisition had been made for Sectors 9, 10 and 10A (Residential and Commercial), Dadri. The Area in question of the aforesaid Sectors is adjacent to each other, and also to Sectors 8,9, which fact is not in dispute.

7. The High Court has tabulated the comparative sale exemplars at paragraph 20 of the common judgment passed in the case of 2007 & 2008 notifications. While discussing the compensation in respect of notification of 2008, certain sale deeds have been referred to which were prior to the notification issued on 22.02.2007. These are, respectively, Ex.(s). P2,P6,P8 and P9. Ex.P2 dated 30.08.2006, was for the area of 8 Kanals and 1/3 Marlas sold for Rs. 3,75,000/-, the average sale consideration

was Rs. 72,00,000/- per acre. The sale deed P/6 dated 31.03.2006 was for 11 Kanals 1/4 Marlas, sold for Rs. 3,40,000/- at average sale consideration of Rs. 48,35,555/- per acre. The sale deed P/8 executed on 27.07.2005 was regarding sale of area 6 Kanals and 1/2 Marlas for the sum of Rs.1,80,000/- per acre. Whereas, Ex. P9 sale deed, dated 26.05.2005, was for an area of 7 Kanals and 2/3 Marlas, sold for Rs.4,62,000/-, for average sale consideration of Rs. 96,41,739/-per acre.

8. Thus, we find that the compensation determined by the High Court for the notification of 2007 is inadequate as per comparative sale exemplars evidence and as also compared to that determined for the year 2008 after 22 months.

9. Considering the aforesaid sale exemplars, we are of the opinion that the prayer made by the appellants for grant of

compensation @ Rs.40,00,000/- per acre
instead of Rs.35,00,000/- per acre,
deserves to be allowed. Accordingly, the
compensation granted by the High Court of
Rs. 35,00,000/- per acre is enhanced to Rs.
40,00,000/- per acre, with all statutory
benefits.

10. The appeals are allowed accordingly.

.....J.
[ARUN MISHRA]

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

NEW DELHI,
NOVEMBER 14, 2017.

ITEM NO.25,25.1-254.4

COURT NO.10

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

Petitions for Special Leave to Appeal (C) Nos. 2763-2764/2016

(Arising out of impugned final judgment and order dated 08-10-2015 in RFA No. 3712/2015 22-09-2015 in RFA No. 7663/2014 passed by the High Court Of Punjab & Haryana At Chandigarh)

SATISH KUMAR & ANR. ETC.

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

WITH

SLP(C) No. 32196-32212/2016 (IV-B)

SLP(C) No. 38486-38487/2016 (IV-B)

SLP(C) No. 16385-16391/2016 (IV-B)

SLP(C) No. 2450-2454/2017 (IV-B)

SLP(C) No. 7397/2017 (IV-B)

Date : 14-11-2017 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)

Mr. Bharat Bhushan, AOR

Mr. Naresh Kaushik, Adv.

Mr. Manoj Joshi, Adv.

Mr. Omung Raj Gupta, Adv.

Mrs. Lalita Kaushik, AOR

Mr. Sonit Sinhmar, Adv.

Mr. Shish Pal Laler, Adv.

Ms. Mahima Singh, Adv.

Mr. Devesh Kumar Tripathi, AOR

Mr. Vikas Verma, Adv.

Mr. Sahid, Adv.

Mr. Saurav Arora, Adv.

Mr. Aditya Singh, AOR

Mr. Devashish Bharuka, AOR

Mr. Justine George, Adv.

For Respondent(s) Mr. B.K. Satija, AAG
 Mr. Abhinash Jain, Asst. Adv. Gen.
 Mr. Sanjay Kumar Visen, AOR

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

Leave granted.

The appeals are allowed in terms of the signed
order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Jagdish Chander]
Branch Officer

[Signed order is placed on the file]