

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.16960/2017  
(ARISING OUT OF SLP(C) NO.13802/2016)

JAIPRAKASH (DEAD) BY LRS. AND ORS. APPELLANT(S)  
VERSUS

STATE OF U.P. AND ANR. RESPONDENT(S)

WITH CIVIL APPEAL NO.16961/2017 (@ SLP(C) NO.26929/2017)

O R D E R

CIVIL APPEAL NO.16960/2017 (@ SLP(C) NO.13802/2016)

Leave granted.

We have heard learned Senior Counsel appearing for the parties and perused the record.

At this stage, the only issue that has been raised before us is regarding parity of compensation allowed by this Court in *Narendra & Ors. vs. State of Uttar Pradesh & Ors.* [Civil Appeal Nos.10429-10430 of 2017], on the one hand, and the compensation awarded to the appellants herein by the courts below on the other.

The appellants have been awarded compensation at the rate of Rs.160/- per square yard. While in *Narendra's case* (supra), the appellants have been awarded compensation at the rate of Rs.297/- per square yard.

It is obvious that the lands in *Narendra's case* (supra) for which a sum of Rs.297/- per square yard has been awarded as compensation, are situated in village Makanpur, District Ghaziabad, U.P. Those lands were

acquired and handed over to Ghaziabad Development Authority for planned development of Vaishali.

The lands in the instant case are also situated in Village Makanpur, District Ghaziabad, U.P. Village Makanpur is an area known as Indirapuram in the District of Ghazibad, U.P.

Mr. Basava Prabhu S. Patil, learned Senior Counsel appearing for the respondent/s submits that the area in the present case from which the lands were acquired i.e. Indirapuram, has land which is of a different value than the land for which a compensation of Rs.297/- per square yard was paid for area of Vaishali in *Narendra's case* (supra). According to Mr. Patil, learned Senior Counsel for the respondent/s, the appellants' prayer may not be granted.

We have considered the matter and we find that the respondent-State has not averred and established that the two lands i.e. the land in *Narendra's case* (supra) and the land in the instant case, are different and diverse so as to deny parity of compensation to the appellants.

We find that there is nothing on record which requires that two lands should be treated differently. It is a fact that lands in both cases cited above, are situated on the same side of the road as is apparent from the Map on record. We, therefore, have no hesitation in granting the same rate of compensation to the present appellants i.e. Rs.297/- per square yard, as was awarded

in *Narendra's case* (supra).

We order accordingly.

Hence, the appeal is allowed and the orders passed by the courts below are set aside.

We further direct that the compensation at the rate of 297/- per square yard be paid to the appellants by the respondents within a period of six months from today.

CIVIL APPEAL NO.16961/2017 (@ SLP(C) NO.26929/2017)

Leave granted.

We have heard learned Senior Counsel appearing for the parties and perused the record.

In view of the order passed by this Court in the aforesaid case titled as *Jaiprakash (Dead) By LRs. & Ors. Verus State Of U.P. & Anr.* [Civil Appeal No.16960/2017 (@ SLP(C) NO.13802/2016)], this appeal is also allowed and the orders passed by the courts below are set aside.

We further direct that the compensation at the rate of 297/- per square yard be paid to the appellants by the respondents within a period of six months from today.

.....J  
[S. A. BOBDE]

.....J  
[L. NAGESWARA RAO]

New Delhi;  
October 24, 2017.

ITEM NO.8

COURT NO.7

SECTION XI

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).13802/2016

(Arising out of impugned final judgment and order dated 22-07-2015 in FA No. 41/2005 passed by the High Court Of Judicature At Allahabad)

JAIPRAKASH (DEAD) BY LRS. &amp; ORS.

Petitioner(s)

VERSUS

STATE OF U.P. THROUGH ITS COLLECTOR &amp; ANR.

Respondent(s)

WITH SLP(C) No.26929/2017 ()

(IA No.90216/2017-EXEMPTION FROM FILING O.T. and IA No.90213/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 24-10-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s)

Mr. Pradeep Kant, Sr. Adv.  
Ms. Kamini Jaiswal, Adv.  
Mr. Akilesh Kalra, Adv.  
Mr. Divyanshu Sahay, Adv.  
Mr. Aditya Kishor Tyagi, Adv.  
Mr. B.P. Tyagi, Adv.  
Mr. Sanjay Goel, Adv.  
Mr. Rohit Kumar Singh, AOR

For Respondent(s)

Mr. Basava Prabhu S. Patil, Sr. Adv.  
Mr. Sunil Kumar Jain, AOR  
Mr. Kaushik Choudhury, Adv.  
Mr. Punya Garg, Adv.  
Mr. Abhishek Jain, Adv.

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

Leave granted.

These appeals are allowed in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
BRANCH OFFICER

(Signed Order is placed on the file)