

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 15179 OF 2017
(Arising out of SLP(C) No. 35517 of 2016)

ASHOK KUMAR

Appellant(s)

VERSUS

STATE OF HARYANA AND ORS.

Respondent(s)

WITH

CIVIL APPEAL No(s). 15256 OF 2017
(Arising out of SLP(C) Nos. 24649 of 2016)

CIVIL APPEAL No(s). 15257-15272 OF 2017
(Arising out of SLP(C) Nos. 24847-24862 of 2016)

CIVIL APPEAL No(s). 15273-15283 OF 2017
(Arising out of SLP(C) Nos. 26490-26500 of 2016)

CIVIL APPEAL No(s). 15284-15290 OF 2017
(Arising out of SLP(C) Nos. 24874-24880 of 2016)

CIVIL APPEAL No(s). 15180-15195 OF 2017
(Arising out of SLP(C) Nos. 29350-29365 of 2016)

CIVIL APPEAL No(s). 15196-15217 OF 2017
(Arising out of SLP(C) Nos. 35474-35495 of 2016)

CIVIL APPEAL No(s). 15218-15237 OF 2017
(Arising out of SLP(C) Nos. 35497-35516 of 2016)

CIVIL APPEAL No(s). 15239-15244 OF 2017
(Arising out of SLP(C) Nos. 37340-37345 of 2016)

CIVIL APPEAL No(s). 15245-15247 OF 2017
(Arising out of SLP(C) Nos. 36517-36519 of 2016)

CIVIL APPEAL No(s). 15248-15250 OF 2017
(Arising out of SLP(C) Nos. 36513-36515 of 2016)

CIVIL APPEAL No(s). 15251 OF 2017
(Arising out of SLP(C) Nos. 36522 of 2016)

CIVIL APPEAL No(s). 15252-15253 OF 2017
(Arising out of SLP(C) Nos. 36511-36512 of 2016)

CIVIL APPEAL No(s). 15292-15306 OF 2017
(Arising out of SLP(C) Nos. 2468-2482 of 2017)

CIVIL APPEAL No(s). 15308-15339 OF 2017
(Arising out of SLP(C) Nos. 2566-2597 of 2017)

CIVIL APPEAL No(s). 15340-15355 OF 2017
(Arising out of SLP(C) Nos. 2630-2645 of 2017)

CIVIL APPEAL No(s). 15254-15255 OF 2017
(Arising out of SLP(C) Nos. 37302-37303/2016)

CIVIL APPEAL No(s). 15356-15357 OF 2017
(Arising out of SLP(C) Nos. 1017-1018 of 2017)

CIVIL APPEAL No(s). 15358-15361 OF 2017
(Arising out of SLP(C) Nos. 2378-2381 of 2017)

CIVIL APPEAL No(s). 15362-15364 OF 2017
(Arising out of SLP(C) Nos. 2610-2612 of 2017)

CIVIL APPEAL No(s). 15379-15428 OF 2017
(Arising out of SLP(C) Nos. 25733-82 OF 2017)
(Arising out of S.L.P. (C) ...CC No. 3508-3557/2017)

CIVIL APPEAL No(s). 15365-69 OF 2017
(Arising out of SLP(C) Nos. 7599-7603 OF 2017)

CIVIL APPEAL No(s). 15370-71 OF 2017
(Arising out of SLP(C) Nos. 8285-8286 OF 2017)

CIVIL APPEAL No(s). 15372 OF 2017
(Arising out of SLP(C) Nos. 10808 OF 2017)

CIVIL APPEAL No(s). 15373 OF 2017
(Arising out of SLP(C) Nos. 14198 OF 2017)

CIVIL APPEAL No(s). 15374 OF 2017
(Arising out of SLP(C) Nos. 13122 OF 2017)

CIVIL APPEAL No(s). 15375 OF 2017
(Arising out of SLP(C) Nos. 13148 OF 2017)

CIVIL APPEAL No(s) . 15376 OF 2017
(Arising out of SLP(C) Nos. 13516 OF 2017)

CIVIL APPEAL No(s) . 15377 OF 2017
(Arising out of SLP(C) Nos. 12984 OF 2017)

CIVIL APPEAL No(s) . OF 2017
(Arising out of SLP(C) Nos. 15933-15934 of 2017)

CIVIL APPEAL No(s) . OF 2017
(Arising out of SLP(C) Nos. of 2017)
(Arising out of Diary No. 11324 of 2017)

CIVIL APPEAL No(s) . 15429-30 OF 2017
(Arising out of SLP(C) Nos. 25784-85 of 2017)
(Arising out of Diary No. 11326 of 2017)

CIVIL APPEAL No(s) .15431-15432 OF 2017
(Arising out of SLP(C) Nos.25787-88 of 2017)
(Arising out of Diary No. 11327 of 2017)

CIVIL APPEAL No(s) . OF 2017
(Arising out of SLP(C) Nos. of 2017)
(Arising out of Diary No. 11329 of 2017)

CIVIL APPEAL No(s) . 15471 OF 2017
(Arising out of SLP(C) Nos. 15379 of 2017)

CIVIL APPEAL No(s) . OF 2017
(Arising out of SLP(C) Nos. 16014 of 2017)

CIVIL APPEAL No(s) . 15472 OF 2017
(Arising out of SLP(C) Nos. 18568 of 2017)

CIVIL APPEAL No(s) . 15433-34 OF 2017
(Arising out of SLP(C) Nos. 25790-91 of 2017)
(Arising out of Diary No. 14237 of 2017)

CIVIL APPEAL No(s) . OF 2017
(Arising out of SLP(C) Nos. of 2017)
(Arising out of Diary No. 15443 of 2017)

CIVIL APPEAL No(s) . OF 2017
(Arising out of SLP(C) Nos. of 2017)
(Arising out of Diary No. 15444 of 2017)

CIVIL APPEAL No(s). OF 2017
 (Arising out of SLP(C) Nos. of 2017)
 (Arising out of Diary No. 16086 of 2017)

CIVIL APPEAL No(s). OF 2017
 (Arising out of SLP(C) Nos. of 2017)
 (Arising out of Diary No. 16202 of 2017)

O R D E R

Delay condoned.

Substitution application allowed.

Leave granted.

Heard learned counsel for the parties.

Haryana State Industrial and Infrastructure Development Corporation Ltd. (HSIIDC) has come in the appeal for reduction of the compensation awarded by the High Court, whereas claimants-owners have come up in the appeal for enhancement of the compensation.

Notification under Section 4 of the Land Acquisition Act, 1894 (in short 'the Act') was issued on 2.5.2007 acquiring following lands:

LALHERI -111 acre, 03 kanals and 07 marlas

BARHI - 55 acres 07 kanals, 15 marlas

GARHI KESARI - 478 acres, 07 kanals, 03 marlas

The Land Acquisition Collector vide separate awards dated 28.1.2010 determined the compensation for the aforesaid three villages and ascertained the market value of

Rs.30,00,000/- (Rupees thirty lakh) per acre. A reference was sought under Section 18 of the Act by the owners for enhancement of the compensation. However reference court found that on the basis of the evidence adduced by the parties, no case for enhancement of compensation was made out. The Award passed by the Land Acquisition Collector had been affirmed. The High Court has decided the appeals filed by the land owner by the impugned judgment and order.

The High Court has observed that since large number of sale deeds have been filed, it would only consider two sale deeds of each parties and not others. At the same time High Court has observed that no cut needs to be applied in the facts of the case considering the development which has taken place.

Mr. Tushar Mehta, learned Additional Solicitor General, appearing on behalf of the HSIIDC urged that the High Court has erred in not applying the cut for development and in ignoring the various sale deeds which evinced that the valuation was not such as determined by the High Court; value was much less in the sale deeds executed in the year 2006-2007 i.e. approx. Rs.10,00,000/- (Rupees ten lakh) to 15,00,000/- (Rupees fifteen lakh) per acre.

Learned Additional Solicitor General has also relied upon the decisions of the High Court of Punjab and Haryana with respect to the acquisition made in the year 1997 in which the High Court has determined the valuation on belting system and awarded compensation for land abutting G.T. Road

at the rate of Rs.6,50,000/- (Rupees six lakh fifty thousand) per acre upto depth of two acres, and beyond that Rs.3,60,700/- (Rupees three lakh sixty thousand seven hundred) per acre for the rest of the land. He has also relied upon another decision of the High Court with respect to the land in which acquisition was made vide notification issued under section 4 of the Act on 21.11.2002; in R.F.A. No. 3328 of 2008, the High Court has granted the compensation at the rate of Rs.10,00,000/- (Rupees ten lakh) per acre for the land upto depth of two acre and Rs. 5,80,000/- (Rupees five lakh eighty thousand) per acre for the area beyond that. Thus the learned counsel has submitted that even if 12% increase is made, the valuation of the land would not come to what has been determined by the High Court in this case i.e. at the rate of Rs.59,88,657/- (Rupees fifty nine lakh eighty eight thousand six hundred and fifty seven) per acre. He has also taken us to the various sale deeds which have been referred to by the reference court.

On the other hand, learned counsel appearing on behalf of the owners contended that it is a fit case for enhancement of the compensation as the sale deeds which were executed in the month of March, 2006 related to the nearby area and land was purchased by one of the company at the rate of 95,00,000/- (Rupees ninty five lakh) per acre. Even if some cut is applied for development, the compensation deserves to be enhanced suitably.

After hearing learned counsel for the parties, in our opinion, the approach of the High Court while dealing with such cases is not proper neither in accordance with the settled principles of law laid down by this court in catena of the decisions. High Court ought not to have ignored the various sale transactions and was required to assign the reasons for accepting or rejecting the sale transactions, the High Court should have assessed the evidence but that has not been done. However, we are not remanding the matter and prolonging the agony of litigation further, as the claimants' valuable land has been acquired. We have scanned the evidence.

It is apparent that various sale deeds had been placed on record by the parties. No doubt about it that the sale deeds which have been relied on by the owners are of March, 2006 in which land was purchased by the company at the rate of 95,00,000/- per acre; that would not reflect the real transaction between willing buyer and willing seller, which has to be taken into consideration as laid down by this court in Chimanlal Hargovinddas vs Special Land Acquisition Officer [AIR 1988 SC 1652]=[(1988)3 SCC 751]. Though it was urged by learned Additional Solicitor General that the sale deed executed in favour of the company had been later on cancelled and thereafter sale deeds were to be executed afresh as per the compromise entered into, yet it was submitted by the learned counsel for the claimants that sale deeds were re- executed later on for the same consideration.

Since there was dispute as to sale deeds on record, that they were cancelled and stamp duty was refunded, it would not be safe to rely on them. Be that as it may. The fact remains that there are other sale deeds on record.

Taking into consideration the various sale deeds which are on record we find that P6 was for area 3 acres 5 kanals 16 marlas sold for Rs. 1,86,77,000/- (one crore eighty six lakh seventy seven thousand), P7 indicates that 3 acres 1 kanals 7 marlas were sold for Rs.3,01,03,125/- (Rupees three crores one lakh three thousand one hundred and twenty five) and P8 indicates that 6 kanals were sold on 13.3.2006 at the rate of Rs.71,25,000/- (seventy one lakh and twenty five thousand); if we take into consideration the aforesaid sale deeds and also the price reflected in various other sale deeds filed by the respondents, it would be appropriate to work out the price at Rs.60,00,000/- (Rupees sixty lakh) per acre, which has also been arrived at by the High Court. However, at the same time 25% cut towards development has to be made. That too considering the factual situation of the case considering the development which has taken place. Though the cut to the extent of 60 to 65% can also be made as urged by HSIIDC but cut has to be as per over all factual situation of the case. Thus it would be appropriate to award the compensation at the rate of Rs.45,00,000/- (Rupees forty five lakh) per acre. That would be reasonable compensation in the facts and circumstances of the instance case. Amount

has to be paid alongwith other statutory benefits. Let the amount be paid within a period of three months from today and compliance be reported to this Court.

Appeals are accordingly disposed of.

.....J.
(ARUN MISHRA)

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

NEW DELHI;
SEPTEMBER 06, 2017

ITEM NO.3

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

Petition(s) for Special Leave to Appeal (C) No(s). 35517/2016

(Arising out of impugned final judgment and order dated 18-02-2016 in RFA No. 336/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

ASHOK KUMAR

Petitioner(s)

VERSUS

STATE OF HARYANA AND ORS. & ORS.

Respondent(s)

WITH

S.L.P. (C) ...CC No. 3508-3557/2017 (IV-B)

(and IA No.74251/2017-STAY APPLICATION)

SLP(C) No. 7599-7603/2017 (IV-B)

(INCOMPLETE)

SLP(C) No. 8285-8286/2017 (IV-B)

(CHAMBER MATTER. SPARE COPY NOT FILED)

SLP(C) No. 10808/2017 (IV-B)

SLP(C) No. 14198/2017 (IV-B)

(incomplete)

SLP(C) No. 13122/2017 (IV-B)

(CHAMBER MATTER. SPARE COPIES NOT FILED. NOTICE COULD NOT BE ISSUED)

SLP(C) No. 13148/2017 (IV-B)

SLP(C) No. 13516/2017 (IV-B)

(CHAMBER MATTER. SPARE COPIES NOT FILED. NOTICE COULD NOT BE ISSUED)

SLP(C) No. 12984/2017 (IV-B)

(Diary No. 11327 /2017 is linked to Diary No. 8779/2017 as both are @ common followed judgment)

SLP(C) No. 15379/2017 (IV-B)

SLP(C) No. 24649/2016 (IV-B)

(INCOMPLETE REGISTRAR COURT MATTER)

SLP(C) No. 24847-24862/2016 (IV-B)

(INCOMPLETE REGISTRAR COURT MATTER)

SLP(C) No. 26490-26500/2016 (IV-B)

(INCOMPLETE REGISTRAR COURT MATTER)

SLP(C) No. 24874-24880/2016 (IV-B)

SLP(C) No. 29350-29365/2016 (IV-B)

(INCOMPLETE REGISTRAR COURT MATTER)

SLP(C) No. 35474-35495/2016 (IV-B)

(INCOMPLETE)

SLP(C) No. 35497-35516/2016 (IV-B)
 (INCOMPLETE REGISTRAR COURT MATTER)
 SLP(C) No. 37340-37345/2016 (IV-B)
 (INCOMPLETE REGISTRAR COURT MATTER)
 SLP(C) No. 36517-36519/2016 (IV-B)
 (INCOMPLETE REGISTRAR COURT MATTER)
 SLP(C) No. 36513-36515/2016 (IV-B)
 (INCOMPLETE)
 SLP(C) No. 36522/2016 (IV-B)
 (INCOMPLETE REGISTRAR COURT MATTER)
 SLP(C) No. 36511-36512/2016 (IV-B)
 (INCOMPLETE)
 SLP(C) No. 2468-2482/2017 (IV-B)
 SLP(C) No. 2566-2597/2017 (IV-B)
 SLP(C) No. 2630-2645/2017 (IV-B)
 (FOR PERMISSION TO FILE SLP ON IA 1/2017
 FOR APPLICATION FOR SUBSTITUTION ON IA 2/2017
 FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. ON IA 3/2017

 FOR CONDONATION OF DELAY IN FILING ON IA 4/2017
 FOR CONDONATION OF DELAY IN REFILING ON IA 10/2017
 FOR EXEMPTION FROM FILING O.T. ON IA 16/2017)
 SLP(C) No. 37302-37303/2016 (IV-B)
 SLP(C) No. 1017-1018/2017 (IV-B)
 (INCOMPLETE)
 SLP(C) No. 2378-2381/2017 (IV-B)
 (INCOMPLETE)
 SLP(C) No. 2610-2612/2017 (IV-B)
 (INCOMPLETE)
 (IA No.40071/2017-CONDONATION OF DELAY IN FILING)
 SLP(C) No. 15933-15934/2017 (IV-B)
 (IA No.44099/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT and IA No.44098/2017-DELETING THE NAME OF RESPONDENT)
 (For admission.
 Diary No. 11326/2017 is linked to Diary no. 22822/206 as Diary No.
 22822/2016 is @ relied upon judgment by the High Court.)
 (IA No.44059/2017-CONDONATION OF DELAY IN FILING and IA
 No.44061/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 and IA No.44060/2017-DELETING THE NAME OF RESPONDENT)
 (Diary No. 11329/2017 is tagged with Diary No. 22822/2016 as Diary
 No. 22822/2016 is @ relied upon judgment by the High Court.)
 SLP(C) No. 16014/2017 (IV-B)
 (FOR ADMISSION)
 SLP(C) No. 18568/2017 (IV-B)
 (IA No.53807/2017-CONDONATION OF DELAY IN FILING and IA
 No.53808/2017-DELETING THE NAME OF RESPONDENT)
 (IA No.42383/2017-CONDONATION OF DELAY IN FILING)
 (IA No.59453/2017-CONDONATION OF DELAY IN FILING and IA
 No.59454/2017-CONDONATION OF DELAY IN REFILING)
 (IA No.58804/2017-CONDONATION OF DELAY IN FILING and IA
 No.58805/2017-CONDONATION OF DELAY IN REFILING)
 (IA No.61989/2017-CONDONATION OF DELAY IN FILING and IA
 No.61993/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

and IA No.61994/2017-APPLICATION FOR SUBSTITUTION and IA No.61995/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. and IA No.61992/2017-CONDONATION OF DELAY IN REFILING)
(IA No.62726/2017-CONDONATION OF DELAY IN FILING and IA No.62731/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.62728/2017-APPLICATION FOR SUBSTITUTION and IA No.62729/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. and IA No.62727/2017-CONDONATION OF DELAY IN REFILING)

D. NO. 14237/2017
Diary No. 15443 of 2017
Diary No. 15444 of 2017
Diary No. 16086 of 2017
Diary No. 16202 of 2017

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

CORAM :

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

For the parties:

Mr. Tushar Mehta, ASG
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Mr. Sunny K., Adv.
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Mr. Rameshwar Prasad Goyal, AOR

Mr. R. C. Kaushik, AOR

Mr. Jasbir Singh Malik, Adv.
Ms. Usha Nandini. V, AOR

Mr. S. N. Bhat, AOR

Mr. Surender Singh, Adv.
Mr. Gopal Singh, Adv.
Mr. Devesh Kumar Tripathi, AOR

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

Permission to file SLP(s) is granted.

Delay condoned.

Substitution allowed.

Application for deleting the name of respondent is
allowed.

Leave granted.

Appeals are accordingly disposed of in terms of the
signed order.

(NEELAM GULATI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER
(signed order is placed on the file)