

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1339-1403/2020

@ SPECIAL LEAVE PETITION (CIVIL) NOS. 30766-30830/2019

ZAHIR AHMED (D) THR. LR. ETC.

APPELLANT(S)

VERSUS

POWER GRID CORPORATION OF INDIA LTD. & ORS. ETC. RESPONDENT(S)

O R D E R

1. Heard learned counsel for the parties.
2. Leave granted.
3. These appeals have been filed against the judgment and order dated 12.12.2018 passed by the High Court of Judicature at Allahabad. Notification under Section 4(1) of Land Acquisition Act, 1894 (for short, 'the Act') was published on 13<sup>th</sup> February, 1995 for acquisition of land measuring 70.7562 hectare of village Mataur and Samauli Salempur Pargana Daurala Tehsil Sardhana of District Meerut for establishment of 765/400/220 K.V. Sub-Station for Power Grid Corporation of India Limited, Ghaziabad. Declaration under Section 6 of the Act was published on 17.09.1995. Possession of the land under Section 17 of the Act was handed over on 06.09.1996 to Respondent No.1/Power Grid Corporation of India Limited. On 20.02.1998, the learned Additional District Officer Land

Acquisition, vide its award granted compensation @ Rs.25/- per square meter. The Reference Court determined market value at the rate Rs.131/- per square meter. The High Court, by a common judgment, dismissed the appeals preferred by Respondent No.1 and partly allowed appeals/cross objections preferred by some of the appellants. Hence the present appeals.

4. The High Court has determined the value after considering the various exemplars @ Rs.300/- per square meter. 33% has been deducted towards development. The High Court has worked out the compensation in the following manner:-

“(I) The acquired land which is within 500 meters of G.T. Road will be paid compensation at the rate of Rs.200/- per square meter provided area of acquired land of separate khasra numbers and land owners is upto 10,000 square meters.

(II) Where area of acquired land is more than 10,000 square meters and it is within 500 meters from G.T. Road, compensation shall be determined at the rate of Rs.180/- per square meter.

(III) For the land beyond 500 meters from G.T. Road upto area 10,000 square meters of different khasra no, land owners will be paid compensation at the rate of Rs.150/- per square meter.

(IV) Where area of acquired land is more than 10,000 square meters and it is beyond 500 meters from G.T. Road, compensation shall be determined at the rate of Rs.135/- per square meter.”

5. In our opinion and in the facts and circumstances of the case, the High Court was not justified in making distinction in the land acquired within 500 meters from the G.T. Road i.e. if the area of the acquired land is more than 10,000 square meters and within 500 meters from the G.T. Road, compensation

will be paid at the rate of Rs.180/- per square meter and if the area is less than 10000 square meters within 500 meters from the G.T. Road compensation will be paid at the rate of Rs.200/- per square meter. The High Court should have granted uniform rate for the land which is within 500 meters from G.T. Road i.e. at the rate of Rs.200/- per square meter. We order accordingly. Direction No.(II) in paragraph 135 of the impugned judgment of the High Court was uncalled for and is hereby set aside.

6. Similarly, for the land beyond 500 meters from G.T. Road, the High Court has given compensation at the rate of Rs.150/- per square meter, which is found to be appropriate in the facts and circumstances of the case. However, the High Court has made a further distinction in para 135(IV) that where the acquired land is more than 10,000 square meters and beyond 500 meters from the G.T. Road, the compensation will be paid at the rate of 135 per square meter. In the facts and circumstances of the case, the High Court should have granted uniform rate for the land which is beyond 500 meters from G.T. Road i.e. at the rate of Rs.150/- per square meter. Direction No.(IV) in paragraph 135 of the impugned judgment of the High Court was also uncalled for and is hereby set aside. Thus, for the land beyond 500 meters there will be uniform rate of compensation i.e. at the rate of Rs.150 per square meter. The other statutory benefits also be worked out accordingly.

7. The appeals are partly allowed to the aforesaid extent.

8. Pending application(s), if any, shall stand disposed of.

.....J.  
[ARUN MISHRA]

.....J.  
[INDIRA BANERJEE]

NEW DELHI;  
FEBRUARY 10, 2020.

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (C) No(s).30766-30830/2019**

(Arising out of impugned final judgment and order dated 12-12-2018 in FA No. 60/2005 12-12-2018 in FA No. 61/2005 12-12-2018 in FA No. 63/2005 12-12-2018 in FA No. 64/2005 12-12-2018 in FA No. 65/2005 12-12-2018 in FA No. 66/2005 12-12-2018 in FA No. 67/2005 12-12-2018 in FA No. 68/2005 12-12-2018 in FA No. 69/2005 12-12-2018 in FA No. 75/2005 12-12-2018 in FA No. 76/2005 12-12-2018 in FA No. 80/2005 12-12-2018 in FA No. 81/2005 12-12-2018 in FA No. 82/2005 12-12-2018 in FA No. 83/2005 12-12-2018 in FA No. 84/2005 12-12-2018 in FA No. 85/2005 12-12-2018 in FA No. 87/2005 12-12-2018 in FA No. 88/2005 12-12-2018 in FA No. 91/2005 12-12-2018 in FA No. 99/2005 12-12-2018 in FA No. 101/2005 12-12-2018 in FA No. 103/2005 12-12-2018 in FA No. 105/2005 12-12-2018 in FA No. 106/2005 12-12-2018 in FA No. 123/2005 12-12-2018 in FA No. 125/2005 12-12-2018 in FA No. 126/2005 12-12-2018 in FA No. 137/2005 12-12-2018 in FA No. 140/2005 12-12-2018 in FA No. 147/2005 12-12-2018 in FA No. 148/2005 12-12-2018 in FA No. 152/2005 12-12-2018 in FA No. 153/2005 12-12-2018 in FA No. 156/2005 12-12-2018 in FA No. 157/2005 12-12-2018 in FA No. 158/2005 12-12-2018 in FA No. 160/2005 12-12-2018 in FA No. 162/2005 12-12-2018 in FA No. 163/2005 12-12-2018 in FA No. 164/2005 12-12-2018 in FA No. 165/2005 12-12-2018 in FA No. 168/2005 12-12-2018 in FA No. 169/2005 12-12-2018 in FA No. 170/2005 12-12-2018 in FA No. 172/2005 12-12-2018 in FA No. 193/2005 12-12-2018 in FA No. 195/2005 12-12-2018 in FA No. 198/2005 12-12-2018 in FA No. 200/2005 12-12-2018 in FA No. 204/2005 12-12-2018 in FA No. 208/2005 12-12-2018 in FA No. 217/2005 12-12-2018 in FA No. 220/2005 12-12-2018 in FA No. 235/2005 12-12-2018 in FA No. 632/2005 12-12-2018 in FA No. 637/2005 12-12-2018 in FA No. 638/2005 12-12-2018 in FA No. 641/2005 12-12-2018 in FA No. 643/2005 12-12-2018 in FA No. 647/2005 12-12-2018 in FA No. 648/2005 12-12-2018 in FA No. 650/2005 12-12-2018 in FA No. 640/2013 12-12-2018 in FA No. 380/2017 passed by the High Court Of Judicature At Allahabad)

**ZAHIR AHMED (D) THR. LR. ETC.**

**PETITIONER(S)**

**VERSUS**

**POWER GRID CORPORATION OF INDIA LTD. & ORS. ETC.**

**RESPONDENT(S)**

**(IA No. 184308/2019 - EXEMPTION FROM FILING O.T.)**

**Date : 10-02-2020 These matters were called on for hearing today.**

