

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.8356-8385/2019

(Arising out of SLP (Civil) Nos.18393-18422 of 2019)

PATEL JASHODABEN VITTHALBHAI ETC.

Appellants

VERSUS

DY. COLLECTOR,
LAND ACQUISITION & REHABILITATION & ANR. ETC.

Respondents

O R D E R

Uday Umesh Lalit, J.

Leave granted.

This appeal questions the final judgment and order dated 29.03.2019 passed by the High Court of Gujarat at Ahmedabad in Miscellaneous Application Nos.1/2018 each in First Appeal Nos.1898 of 2011, 1901 of 2011, 1902 of 2011, 1908 to 1912 of 2011, 1914 of 2011 to 1918 of 2011, 1920 to 1930 of 2011, 1932 to 1935 of 2011, First Appeal Nos.1939 of 2011 and 1942 of 2011.

In terms of notification dated 17.08.2004 issued under Section 4 of the Land Acquisition Act,1894 ('the Act', for short) lands from village Lodra, Tehsil Mansa were sought to be acquired for the public purpose of "Sujalam Sufalam

Spreading Canal". Contemporaneously, lands from villages Ridrol and Galathara from same Tehsil were also sought to be acquired for the very same purpose by separate notifications issued on 17.08.2004.

These notifications were followed by another notification dated 26.08.2004 in respect of lands from village Mansa, again for the same public purpose.

The matters were assessed by the Land Acquisition Officer and by various orders, compensation at different rates came to be awarded. The rates of compensation as awarded for the villages Lodra, Galathara, Ridrol and Mansa were @ Rs.16 per Sq. Mtr., Rs.10/- per Sqr. Mtr., Rs.20/- per Sqr. Mtr. And Rs.25/- per Sqr. Mtr. Respectively.

While considering reference applications preferred by the landholders, the Reference Court was of the view that uniform compensation @ Rs.300/- was the right measure in respect of villages Lodra, Galathara and Ridrol. Therefore, additional compensation of Rs.284/- per Sqr. Mtr., Rs.280/- per Sqr. Mtr. And Rs.290/- per Sqr. Mtr. was awarded so that the lands from said three villages would be at par and receive total compensation @ Rs.300/- per Sqr. Mtr. The lands from village Mansa were however put on a different scale and additional compensation of Rs.560/- per Sqr. Mtr. was awarded by the Reference Court.

The matters were carried in appeal before the High Court. The additional compensation in respect of villages Ridrol, Galathara and Lodra was reduced by the High Court, vide judgment and order dated 28.06.2011, from Rs.280/- per Sr. Mtr., Rs.290/- per Sqr. Mtr. and Rs.284/- per Sqr. Mtr. to Rs.215/- per Sqr. Mtr., Rs.251/- per Sqr. Mtr. and Rs.231/- per Sqr. Mtr. respectively.

It is a matter of record that the assessment made by the High Court in respect of lands from villages Ridrol and Galathara was subject matter of challenge before this Court in Civil Appeal Nos.9061-9110 of 2011, titled as *Arvindbhai Bhagabhai Patel & Anr. Etc. v. The State of Gujarat & Anr. Etc.*, wherein this Court, by order dated 01.11.2017, found the compensation @ Rs.300/- as awarded by the Reference Court to be appropriate compensation and restored the order of the Reference Court.

The appellants, landholders from village Lodra, therefore, filed applications seeking recall/modification of order dated 28.06.2011 by which additional compensation was reduced by the High Court from Rs.284/- per Sqr. Mtr. To Rs.231/- per Sqr. Mtr. The applications were however rejected by order dated 29.03.2019, which order is now under challenge.

Learned counsel for the appellants submitted that notifications under Section 4 of the Act in respect of three villages were issued on the same day and for same public purpose. The Reference Court had found that the compensation at the same level be granted for the lands from these three villages and, therefore, the additional compensation was awarded in such a manner that the total compensation aggregated to Rs.300/- per Sqr. Mtr. In his submission, there was no reason why the lands coming from Lodra village be left out when the lands from other two villages were put at the scale of Rs.300/- per Sqr. Mtr.

We see force in the submission of the learned counsel for the appellants and find that the appropriate compensation to be given to the lands from village Lodra ought to be put at the same level of Rs.300/- per Sqr. Mtr. (inclusive of the original compensation awarded by the Land Acquisition Officer). Needless to say that the landholders would be entitled to all the statutory benefits as awardable in terms of the provisions of the Act.

Learned counsel for the appellants then submitted that similar benefit be extended in favour of those who had not approached the Court but were similarly situated. He invited our attention to the decision of this Court in *Premji Nathu v.*

State of Gujarat & Another, (2012) 5 SCC 250, more particularly para 24 thereof, which is to the following effect:

“24. Although, the other landowners are not shown to have prosecuted the matter further except that three of them filed appeals under Section 54 of the Act, we are convinced that this is a fit case in which the Court should exercise power under Article 142 of the Constitution and direct the respondents to pay enhanced compensation, solatium, etc. even to those who did not file appeals before the High Court and/or have not approached this Court by filing petitions under Article 136 of the Constitution.”

We need not make any observation as other landholders covered under the notification in question have statutory rights and remedies which can be exercised in a manner known to law.

The appeals are allowed, in aforesaid terms. No costs.

.....J.
[UDAY UMESH LALIT]

.....J.
[VINEET SARAN]

NEW DELHI;
NOVEMBER 04, 2019.

ITEM NO.44

COURT NO.5

SECTION III

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 for Special Leave to Appeal (C) Nos. 18393-18422/2019

(Arising out of impugned final judgment and order dated 29-03-2019 in FA No.1898/2011, 29-03-2019 in FA No.1901/2011, 29-03-2019 in FA No.1902/2011, 29-03-2019 in FA No.1908/2011, 29-03-2019 in FA No.1909/2011 29-03-2019 in FA No. 1910/2011 29-03-2019 in FA No.1911/2011, 29-03-2019 in FA No.1912/2011, 29-03-2019 in FA No.1914/2011, 29-03-2019 in FA No.1915/2011, 29-03-2019 in FA No.1916/2011, 29-03-2019 in FA No.1917/2011, 29-03-2019 in FA No.1918/2011, 29-03-2019 in FA No.1920/2011, 29-03-2019 in FA No.1921/2011, 29-03-2019 in FA No.1922/2011, 29-03-2019 in FA No.1923/2011, 29-03-2019 in FA No.1924/2011, 29-03-2019 in FA No.1925/2011, 29-03-2019 in FA No.1926/2011, 29-03-2019 in FA No.1927/2011, 29-03-2019 in FA No.1928/2011, 29-03-2019 in FA No.1929/2011, 29-03-2019 in FA No.1930/2011, 29-03-2019 in FA No.1932/2011, 29-03-2019 in FA No.1933/2011, 29-03-2019 in FA No.1934/2011, 29-03-2019 in FA No.1935/2011, 29-03-2019 in FA No.1939/2011, 29-03-2019 in FA No. 1942/2011 passed by the High Court Of Gujarat At Ahmedabad)

PATEL JASHODABEN VITTHALBHAI ETC.

Petitioner(s)

VERSUS

DY. COLLECTOR,
LAND ACQUISITION & REHABILITATION & ANR. ETC.

Respondent(s)

(FOR ADMISSION)

Date : 04-11-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Ashok V. Prajapati, Adv.
 Mr. Jatin Zaveri, AOR
 Mr. Neel Kamal Mishra, Adv.

For Respondent(s) Mr. A.P. Mayee, AOR
 Mr. A. Rajarajan, Adv.

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.

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

(MUKESH NASA)
COURT MASTER

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed Order is placed on the File)