

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.12060 OF 2017
(@ SLP(CIVIL) No.20190/2016)

BHERUSINGH

...APPELLANTS

VS.

STATE OF MADHYA PRADESH & ANR.

...RESPONDENTS

WITH

CIVIL APPEAL NO.12071 OF 2017
(@ SLP(CIVIL) No.25989/2016)

CIVIL APPEAL NO.12068 OF 2017
(@ SLP(CIVIL) No.20719/2016)

CIVIL APPEAL NO. 12063 OF 2017
(@ SLP(CIVIL) No.20476/2016)

CIVIL APPEAL NO. 12070 OF 2017
(@ SLP(CIVIL) No.25953/2016)

CIVIL APPEAL NO. 12065 OF 2017
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(@ SLP(CIVIL) No.20385/2016)

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(@ SLP(CIVIL) No.38140/2016)

CIVIL APPEAL NO.12711 OF 2017
(@ SLP(CIVIL) No.38391/2016)

CIVIL APPEAL NO.12710 OF 2017
(@ SLP(CIVIL) No.38263/2016)

CIVIL APPEAL NO.12716 OF 2017
(@ SLP(CIVIL) No.38413/2016)

CIVIL APPEAL NO.12714 OF 2017
(@ SLP(CIVIL) No.38406/2016)

CIVIL APPEAL NO.12704 OF 2017
(@ SLP(CIVIL) No.38150/2016)

CIVIL APPEAL NO.12712 OF 2017
(@ SLP(CIVIL) No.38400/2016)

CIVIL APPEAL NO.12707 OF 2017
(@ SLP(CIVIL) No.38230/2016)

CIVIL APPEAL NO.12715 OF 2017
(@ SLP(CIVIL) No.38411/2016)

CIVIL APPEAL NO.12705 OF 2017
(@ SLP(CIVIL) No.38178/2016)

CIVIL APPEAL NO.12725 OF 2017
(@ SLP(CIVIL) No.38246/2016)

CIVIL APPEAL NO.12731 OF 2017
(@ SLP(CIVIL) No.38444/2016)

CIVIL APPEAL NO.12729 OF 2017
(@ SLP(CIVIL) No.38412/2016)

CIVIL APPEAL NO.12727 OF 2017
(@ SLP(CIVIL) No.38268/2016)

CIVIL APPEAL NO.12730 OF 2017
(@ SLP(CIVIL) No.38437/2016)

CIVIL APPEAL NO.12728 OF 2017

(@ SLP(CIVIL) No.38399/2016)

CIVIL APPEAL NO.12732 OF 2017

(@ SLP(CIVIL) No.38445/2016)

CIVIL APPEAL NO.12722 OF 2017

(@ SLP(CIVIL) No.38223/2016)

CIVIL APPEAL NO.12720 OF 2017

(@ SLP(CIVIL) No.38170/2016)

CIVIL APPEAL NO.12719 OF 2017

(@ SLP(CIVIL) No.38169/2016)

CIVIL APPEAL NO.12733 OF 2017

(@ SLP(CIVIL) No.38451/2016)

CIVIL APPEAL NO.12723 OF 2017

(@ SLP(CIVIL) No.38232/2016)

CIVIL APPEAL NO.12724 OF 2017

(@ SLP(CIVIL) No.38238/2016)

CIVIL APPEAL NO.12734 OF 2017

(@ SLP(CIVIL) No.38541/2016)

CIVIL APPEAL NO.12726 OF 2017

(@ SLP(CIVIL) No.38253/2016)

CIVIL APPEAL NO.12721 OF 2017

(@ SLP(CIVIL) No.38173/2016)

CIVIL APPEAL NO.12718 OF 2017

(@ SLP(CIVIL) No.38168/2016)

O R D E R

Leave granted.

Delay condoned.

We have heard the learned counsel appearing for the parties at length.

These are the appeals preferred by the State of Madhya Pradesh as well as the claimants, questioning the determination made by the High Court. In the instant appeals, the Land Acquisition Officer had granted compensation for a large chunk of land admeasuring 520.627 hectares, which has been acquired in four villages, namely, Bardari, Jamodi, Akoliya, and Kheda in the State of Madhya Pradesh.

The Land Acquisition Officer had issued the notification on 19.12.2002 under Section 4 r/w Section 17. In the award passed, it determined the compensation @ Rs.4,14,926/- per hectare for unirrigated land, whereas compensation @ Rs.6,22,239/- per hectare for irrigated land. However, a reference was sought under Section 18 of the Land Acquisition Act, 1894, wherein, an award was passed by the Reference Court. The Reference Court relied upon the Sale Deed (Exhibit P/6), which was executed in the year 1999 comprising the area of 0.042 hectares of land which comes to 4520 square feet, which was for a consideration of Rs.55,000/-.

The Reference Court determined the valuation @ Rs.11,89,500/- per hectare for irrigated land, and for unirrigated land @ Rs. 7,93,000/- per hectare.

Being aggrieved, both the parties preferred appeals before the High Court. The High Court by the impugned order dismissed the appeals preferred by the State of Madhya Pradesh, whereas on the appeals which were filed on behalf of the owners, the compensation has been enhanced by the High Court relying upon the same sale deed (Exhibit P/6). The High Court has determined compensation for unirrigated land @ Rs.14,22,499/- per hectare, and for irrigated land, the High Court has determined the compensation @ Rs.21,33,749/- per hectare. The High Court has made only one deduction with respect to the development, i.e. 25 percent. Whereas the High Court has not at all adverted to

the findings recorded by the Reference Court that sale deed (Exhibit P/6) was for a smaller area and that due to the smallness of the same, certain deductions had to be made. The Reference Court has relied upon the decision of this Court in "*Numaligarh Refinery Versus Green View T & Industries*", reported in A.I.R. 2007 S.C. 1733, and has made two deductions, one for smallness of the area to the extent of 30 percent and ten percent per annum addition was made in the price, whereas towards the development, deduction was made of 35 percent, and thus the price per hectare has been worked out by the Reference Court.

In our opinion, it was incumbent upon the High Court to consider the findings recorded by the Reference Court; while enhancing the compensation, it was necessary to consider whether the Reference Court was justified in making deduction from sale deed (Exhibit P/6) which has been relied upon, on account of smallness of the area sold under it. The sale deed was only with respect to 4520 square feet, which could not have been adopted to be safe criteria for determining the valuation of such large tracts of land. Thus, for the smallness of area deductions ought to have been made by the High Court. It was incumbent upon the High Court to go through the reasons employed by the Reference Court while enhancing the compensation in such a matter involving huge stakes for both the parties. The High Court should not have adopted a lopsided approach. We request the High Court to be cautious while dealing with such compensation matters, and to apply the principles laid down by this Court strictly in accordance with law. In case the High Court wanted to differ from the findings of the Reference Court, it was incumbent upon it to have gone into the reasoning employed by the Reference Court and to decide the question whether for smallness, the deduction made by the Reference Court was justified or not.

The landowners have been deprived of their land. Thus, we find that some reasonable deduction needs to be made in this regard. Thus, we find that it would be appropriate to deduct the amount on account of the smallness of the area, and at the same time, considering the development which has taken place in the nearby areas, it would be appropriate to deduct overall 40 percent amount for smallness of area and towards the development; which would be sufficient in peculiar facts of this case. Therefore, the total deduction has to be made of 40 percent of the amount, as determined by the High Court.

It is placed on record that the High Court has determined the total amount of Rs.28,44,999/- for irrigated land and Rs.18,96,666/- for unirrigated land. From the aforesaid amount, 40 percent has to be deducted. Let compensation so worked out, along with statutory benefits, as aforesaid be paid within a period of three months from today.

The appeals preferred by the State are allowed to the extent as indicated above, and the appeals preferred by the owners stand dismissed.

No costs.

.....J.
[ARUN MISHRA]

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

NEW DELHI;

SEPTEMBER 08, 2017

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.20190/2016

(Arising out of impugned final judgment and order dated 14-05-2015 in FA No.506/2009 passed by the High Court of M.P at Indore)

BHERUSINGH

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(FOR EXEMPTION FROM FILING O.T. ON IA 1/2016)

WITH

SLP(C) Nos. 25989/2016, 20719/2016, 20476/2016, 25953/2016, 20489/2016, 20486/2016, 20385/2016, 20517/2016, 20496/2016, 20400/2016, 25716/2016, 26033/2016, 20452/2016, 22161/2016, 20492/2016, 26017/2016, 25986/2016, 25914/2016, 25952/2016, 25985/2016, 26065/2016, 20464/2016, 25942/2016, 25813/2016, 20469/2016, 25740/2016, 26129/2016, 25990/2016, 25987/2016, 26134/2016, 25777/2016, 26026/2016, 26118/2016, 25943/2016, 26119/2016, 25909/2016, 25714/2016, 25892/2016, 25963/2016, 25884/2016, 21847/2016, 26029/2016, 26021/2016, 25933/2016, 25932/2016, 25918/2016, 25743/2016, 25807/2016, 26066/2016, 26108/2016, 25901/2016, 25880/2016, 26014/2016, 25873/2016, 26117/2016, 25956/2016, 26144/2016, 25887/2016, 26012/2016, 25837/2016, 26025/2016, 25822/2016, 25993/2016, 25729/2016, 25940/2016, 25957/2016, 26019/2016, 26069/2016, 25871/2016, 26132/2016, 26034/2016, 25760/2016, 25810/2016, 25965/2016, 26113/2016, 25786/2016, 25785/2016, 26107/2016, 25844/2016, 25728/2016, 26133/2016, 25992/2016, 25958/2016, 26127/2016, 25808/2016, 26068/2016, 25999/2016, 25885/2016, 25742/2016, 25820/2016, 26106/2016, 25814/2016, 25735/2016, 25960/2016, 25835/2016, 26073/2016, 25831/2016, 26035/2016, 25868/2016, 25947/2016, 26116/2016, 26001/2016, 26023/2016, 26112/2016, 26109/2016, 25845/2016, 26074/2016, 26137/2016, 25730/2016, 25904/2016, 26139/2016, 26027/2016, 26122/2016, 25795/2016, 26064/2016, 25948/2016, 26128/2016, 26136/2016, 26126/2016, 26111/2016, 25996/2016, 26020/2016, 25931/2016, 25930/2016, 25713/2016, 25773/2016, 25903/2016, 25913/2016, 25794/2016, 25981/2016, 25784/2016, 25894/2016, 25867/2016, 26022/2016, 25961/2016, 25741/2016, 25758/2016, 25809/2016, 25833/2016, 25991/2016, 25720/2016, 25852/2016, 25916/2016, 25911/2016, 25725/2016, 25733/2016, 25964/2016, 25780/2016, 25824/2016,

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38170/2016, 38169/2016, 38451/2016, 38232/2016, 38238/2016,
38541/2016, 38253/2016, 38173/2016, 38168/2016

Date : 08-09-2017 These matters were called on for hearing today.

ORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGODAR

Counsel appearing
for the parties

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Ardhendumauli Kumar Prasad, AOR
Ms. Taruna Ardhendumauli Prasad, Adv.
Mr. Nitesh Ransan, Adv.
Mr. Amritesh Raj, Adv.

Mr. Tushar Mehta, ASG
Mr. C. D. Singh, AOR
Ms. Sakshi Kakkar, Adv.

Mr. A. N. Arora, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

Delay condoned.

The appeals preferred by the State are allowed and the appeals preferred by the owners stand dismissed in terms of the signed order.

No costs.

Pending application(s), if any, stands dismissed.

(SONALI SAUND)
SENIOR PERSONAL ASSISTANT

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER

(Signed order is placed on the file)