

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.16994-16999 OF 2017
(@ SPECIAL LEAVE PETITION (CIVIL) NOS. 27990-27995 OF 2017)

EXECUTIVE ENGINEER
C.G.GRIH NIRMAN MANDAL

...APPELLANT(S)

VERSUS

SANJAY SINGH & ANR ETC.

...RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The land of the respondents was acquired as a part of the larger area covered by notification dated 01.12.2005 under Section 4 of the Land Acquisition Act 1894. The acquisition was for Chhattisgarh Housing Board. The land is located in village Hirapur (*Jarwai*).

The Land Acquisition Collector awarded compensation at the rate of Rs. 15.40 per sq. metres. The Reference Court enhanced it to Rs. 1924 per sq. metres on the basis of circle rates.

Learned counsel for the appellant points out that the circle rate could not be the sole basis for determination of compensation as the land was undeveloped while the circle rate was applied for the

developed land. Reliance has been placed on judgment of this Court in (2011) 15 SCC 297 - *Haryana State Agricultural Market Board and Another Vs. Krishan Kumar and Others*.

In view of above, we are of the view that the impugned order has to be vacated and the matter remanded to the Reference Court for fresh decision.

It will be open to the parties to lead further evidence.

Accordingly, we set aside the impugned order and allow these appeals. The matter is remanded to the Fourth Additional District Judge, Raipur (Chhattisgarh) for fresh decision in accordance with law.

Parties are directed to appear before the Reference Court for further proceedings on 27th November, 2017.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
24th October, 2017

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

ITEM NO.13

COURT NO.11

SECTION IVA

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). 27990-27995/2017

(Arising out of impugned final judgment and order dated 05-07-2017 in FAM No. 107/2017 FAM No. 104/2017 FAM No. 112/2017 FAM No. 106/2017 FAM No. 108/2017 FAM No. 103/2017 passed by the High Court Of Chhatisgarh At Bilaspur)

EXECUTIVE ENGINEER
C.G.GRIH NIRMAN MANDAL

Petitioner(s)

VERSUS

SANJAY SINGH & ANR.ETC.

Respondent(s)

(IA No.106723/2017-EXEMPTION FROM FILING O.T.)

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

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Atmaram N.S. Nadkarni, ASG
Mr. Atul Jha, Adv.
Mr. Sandeep Kumar Jha, AOR

For Respondent(s) Mr. Rajesh Pandey, Adv.
Mr. Baijnath Patel, Adv.
Mr. Nitin Bhardwaj, AOR

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 also stand disposed of.

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER