

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).18616 OF 2017
(ARISING OUT OF SLP (C) NO(S).28669 OF 2016)

SANJEEV KUMAR & ANR. . .APPELLANT(S)
VERSUS
GOVERNMENT OF HARYANA,
THROUGH LAND ACQUISITION COLLECTOR & ORS. . .RESPONDENT(S)

WITH
CIVIL APPEAL NO(S).18600 OF 2017
(ARISING OUT OF SLP(C) NO(S). 28888/2016)

CIVIL APPEAL NO(S).18603 OF 2017
(ARISING OUT OF SLP(C) NO(S). 28879/2016)

CIVIL APPEAL NO(S).18604 OF 2017
(ARISING OUT OF SLP(C) NO(S). 28884/2016)

CIVIL APPEAL NO(S).18605 OF 2017
(ARISING OUT OF SLP(C) NO(S).28828/2016)

CIVIL APPEAL NO(S).18606 OF 2017
(ARISING OUT OF SLP(C) NO(S).31466/2016)

CIVIL APPEAL NO(S).18607 OF 2017
(ARISING OUT OF SLP(C) NO(S).2350/2017)

CIVIL APPEAL NO(S).18608 OF 2017
(ARISING OUT OF SLP(C) NO(S).2534/2017)

CIVIL APPEAL NO(S).18609 OF 2017
(ARISING OUT OF SLP(C) NO(S).2242/2017)

CIVIL APPEAL NO(S).18610 OF 2017
(ARISING OUT OF SLP(C) NO(S).2418/2017)

CIVIL APPEAL NO(S).18611 OF 2017
(ARISING OUT OF SLP(C) NO(S).2044/2017)

CIVIL APPEAL NO(S).18613 OF 2017
(ARISING OUT OF SLP(C) NO(S).2041/2017)

C.A. NO. 2527/2017

CIVIL APPEAL NO(S).18615 OF 2017
(ARISING OUT OF SLP(C) NO(S).28827/2016)

O R D E R

Leave granted in the special leave petitions.

We have heard learned counsel for the parties.

Aggrieved by the determination made by the High Court at the rate of Rs.264 per square yard, the appeals have been preferred by the land-owners for enhancement of the compensation.

The notification under Section 4 of the Land Acquisition Act, 1894 for the purpose of acquisition of land was issued on 6th December, 1989, total area of 44 acres 4 kanals 18 marlas of lands had been acquired. The Land Acquisition Collector awarded compensation at the rate of Rs.51/- per square yard, i.e. Rs.2.5 lacs per acre, up to the depth of 110 sq. ft. from the road; and Rs.30/- per square yard, i.e. Rs.1.5 lacs per acre, beyond the depth of 110 ft. from the road.

However, Reference Court also granted compensation on the belting basis at the rate of

Rupees Three lacs per acre up to 110 ft. from the road and beyond that, at Rupees Two lacs per acre.

The High Court enhanced the compensation to Rs.264/- per square yard for entire land, that comes to Rs.12,77,760/- per acre.

Learned counsel for the appellants placed reliance upon the comparative sale deeds in respect of Ward No.2; particularly, P-1, P-6 and P-13 by which, land had been sold, respectively, at the rate of Rs.2193/- Rs.427/- and 1440/- per square yard. The sale deed in P-1 was executed on 21st January, 1988 for an area of 12.64 square yards, at the rate of Rs.2193/- per square yard. The sale deed P/3 was executed on 17th March, 1988 for an area of 43 square yards, at the rate of Rs.930/- per square yard; and as per sale deed P-6, dated 7th June, 1988, an area of 82 square yards was sold at the rate of 427 per square yard in Ward No.2 itself. As per sale deed P-13, dated 23rd October, 1989, land situate at Jind, an area of 33.33 square yards, was sold at the rate of Rs.1440/- per square yard. Learned counsel for the

appellants had also placed reliance on sale deed, P-4, in which the price fetched on account of the distress auction by the State Financial Corporation was on lower side, as a loan was not repaid, the price for the land admeasuring 514 square yards (17 marlas) at the rate of Rs.233 per square yard on 30th March, 1988.

Learned counsel for the landowners prayed for enhancement of compensation stating, that the land had the potential for being used for residential/commercial purposes, and that part of the land was abutting highway.

Learned counsel for the State submitted that the High Court has granted adequate compensation, which does not require any further enhancement. No cut has been applied for the smallness of the area or for the purpose of development. Thus, no case for enhancement of compensation was made out.

In our opinion, the evidence on record indicate that the area in question is capable of being used at least for the residential purpose, and some of the

areas for commercial purposes too. There are houses around. In support of increase of compensation sale deeds placed on record evinced that some of them are for very small plots as such they cannot be made the basis for determination of compensation but they are indicative of the price prevailing in the area of small plots as some constructed portion was also sold. However, sale made by the Financial Corporation was prior to 19 months at the rate of Rs.233 per square yard. Considering the overall situation of the development as well as the other sale deeds on record abutting the highway, and since land in question was capable of being sold in the form of plots for residential purpose/ or for commercial purpose and various sale instances indicate that the area was well developed; it would be appropriate, to fix the price in the instant case, after duly considering all the aspects and after applying appropriate cut for development etc. at Rs.300/- per square yard instead of Rs.264/- per square yard as determined by the High Court.

In view of above, we determine the compensation, at Rs.300/- per square yard, inclusive of the amount that was determined by the Land Acquisition Collector. The amount is enhanced from Rs.264/- per square yard to Rs.300/- per square yard with all statutory benefits, which shall be paid to the land-owners within a period of four months from today.

The appeals are accordingly allowed.

.....J.
(ARUN MISHRA)

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

NEW DELHI,
NOVEMBER 8, 2017.

ITEM NO.9 + 12

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). 28669/2016

(Arising out of impugned final judgment and order dated 20-01-2016
in RFA No. 1817/2002 passed by the High Court Of Punjab & Haryana
At Chandigarh)

SANJEEV KUMAR & ANR.

Petitioner(s)

VERSUS

GOVERNMENT OF HARYANA,
THROUGH LAND ACQUISITION COLLECTOR & ORS.

Respondent(s)

WITH

SLP (C) No. 28888/2016 (IV-B)

SLP (C) No. 28879/2016 (IV-B)

SLP (C) No. 28884/2016 (IV-B)

SLP (C) No. 28828/2016 (IV-B)

SLP (C) No. 31466/2016 (IV-B)

SLP (C) No. 2350/2017 (IV-B)

SLP (C) No. 2534/2017 (IV-B)

SLP (C) No. 2242/2017 (IV-B)

SLP (C) No. 2418/2017 (IV-B)

SLP (C) No. 2044/2017 (IV-B)

C.A. No. 2527/2017 (IV)

SLP (C) No. 2041/2017 (IV-B)

SLP (C) No.28827 of 2016 (IV -B)

Date : 08-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Sanjeev Kumar, AOR

Mr. H.K. Nair, Adv.

Mr. Rajnish, Adv.

Mr. P.S.Neiwal, Adv.

Mr. Ajay Amritraj, Adv.

Mr. Rajiv Kataria, Dv.

Ms. Debjani Das P., Adv.

M/s. Delhi Law Chambers

For Respondent(s) Mr. Hemant Gupta, Adv.

Mr. Sanjay Kumar Visen, AOR

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

Leave granted.

In terms of the signed order, the appeals are allowed.

Pending applications, if any, shall also stand disposed
of.

(MAHABIR SINGH)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER

(Signed order is placed on the file)