

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).23530-23531/2017

(Arising out of Special Leave Petition (C)
No(s) .8358-8359/2017)

UNION OF INDIA ETC.

APPELLANT (s)

VERSUS

JASMER SINGH AND ANR. ETC.

RESPONDENT (s)

WITH

C.A. No.(s) 23566/2017 @ SLP(C) No. 31099/2017, C.A. No.
(s) 23713-23746/2017 @ SLP(C) No(s).35819-35852/2017 @
Diary No(s). 27600/2017, C.A. No.(s) 23747-23816/2017 @
SLP(C) No(s).35853-35922/2017 @ Diary No(s).
27598/2017,C.A. No.(s) 23567-23636/2017 @ SLP(C) No.
31622-31691/2017, C.A. No.(s) 23532-23565/2017 @ SLP(C)
No. 28258-28291/2017, C.A. No.(s) 23877-23935/2017 @
SLP(C) No(s).35984-36042/2017 @ Diary No(s). 27122/2017,
C.A. No.(s) 23817-23876/2017 @ SLP(C)
No(s).35923-35982/2017 @ Diary No(s). 27746/2017, C.A.
No.(s) 23637-23712/2017 @ SLP(C) No(s).35741-35816/2017 @
Diary No(s). 27744/2017, C.A. No.(s)23936/2017 @ SLP(C)
No(s).36693/2017 @ Diary No. 37378/2017, C.A. No.(s)
24021-24057/2017 @ SLP(C) No(s).36987-37023/2017 @ Diary
No. 34477/2016, C.A. No.(s)23996-24001/2017 @ SLP(C)
No(s).36890-36895/2017 @ Diary No. 34943/2016 & C.A. No.
(s) 24002-24015/2017 @ SLP(C)No(s).36899-36912/2017 @
Diary No. 35057/2016.

O R D E R

1. On oral request, Diary No.37378/2017, Diary No. 34477/2016, Diary No. 34943/2016 & Diary No. 35057/2016 are taken on record as, it is submitted that, these are similar matters.
2. Permission to file special leave petition(s) is granted.
3. Delay condoned.
4. Leave granted.
5. These appeals have been filed by the Union of India, being aggrieved by the determination of the compensation made by the High Court, vide its judgment and order dated 01.06.2016. The Notifications under Section 4 of the Land Acquisition Act, 1894 dated 16.06.1999, 14.06.2000 and 06.02.2001 were issued for acquisition of land. The Land Acquisition Collector passed the Awards; the compensation was enhanced by the Reference Court as well as by the High Court. The village-wise details of the Awards are as under:

Block-A			
Sl. No.	Award given by Land Acquisition Officer	Award by Reference Court	Award by the High Court
1.	Rs. 10 lacs per acre for village Kambala	Rs. 17 lacs per acre plus 20% severance charges.	Rs.1,70,54,630/- per acre plus 50% severance charges.
2.	Rs.8 lacs per acre for village Kambali	Rs. 17 lacs per acre plus 50% severance charges.	Rs.1,70,54,630/- per acre plus 50% severance charges.
3.	Rs. 6 lacs per acre for village Chilla	Rs.17 lacs per acre plus Nil severance charges	Rs. 1,36,43,704/- per acre plus 50% severance charges
4.	Rs. 6 lacs per acre for village Manauli	Rs.13,43,000/- per acre plus 50% severance charges	Rs.1,22,79,334/- per acre plus 50% severance charges.
5.	Rs.6lacs per acre for village Raipur Khurd	Rs.19,04,000/- per acre plus 50% severance charges.	Rs.1,10,51,400/- per acre plus 50% severance charges.
BLOCK-B			

6.	Rs. 4 lacs to 4.6 lacs per acre for village Dharaoli, Sukhgarh, Snetta, Raipur Kalan, Maujpur and Ledi	Rs. 4 lacs to Rs. 12 Lacs per acre plus 30% to 40% severance charges	Rs.1,10,51,400/- per acre plus 50% severance charges.
BLOCK -C			
7.	Rs. 6 lacs per acre for village Swara, Landran, Kailra, Tolemajra, Khooni Majra, Badala, Naya Shahar	Rs.10 to 12 Lacs per acre plus 50% severance charges.	Rs. 82,88,550/- per acre plus 50% severance charges.
BLOCK-D			
8.	Rs. 4 Lacs per acre for village Khanpur, Bhagomajra, Baddi, Peer Sohana, Simbal Majra, Gharauna, Sukro Hapur, Marauli Kalan, Marauli Khurd, Ramgarh and Manda.	Rs. 6 Lacs to Rs. 10 Lacs per acre plus 50% severance charges	Rs. 62,16,415/- per acre plus 50% severance charges.

6. The High Court has, for determining the compensation in all the cases; relied upon the allotment letter (Exhibit P-4) whereby the plot measuring 16.6 x 82.6 feet was allotted, certain deductions have been made. The sale

deed P-4 could not be said to much relevance as it was for developed and very small plot for determining the value of land that has been acquired. We are of the considered opinion that the entire other evidence ought not have been taken into consideration for determination of the value of the land. The way value has been determined for different villages also is highly unsatisfactory. Severance has also been granted on extremely higher side. 50% severance was not at all warranted. Least commented on merits is better. We remit the cases to the High Court to decide appeals afresh, and request the Chief Justice preferably to hear the matters himself or to assign them to some other appropriate Bench. However, as interim arrangement, we modify the impugned judgment passed by the High Court as follows:

- i) With respect to villages Kambala, Kambali and Chila, as an interim arrangement, we deem it appropriate to permit the withdrawal of an amount of Rs.17 Lacs per acre, along with statutory benefits and 20% severance charges and, additional amount of Rs. 5 Lacs per acre.
- ii) With respect to villages Manauli, as an interim arrangement, we deem it appropriate to permit the withdrawal of an amount of Rs.13,43,000/- per acre, along

with statutory benefits on the aforesaid amount plus 20% severance charges and additional sum of Rs.5 lac per acre.

iii) With respect to villages Raipur Khurd, as an interim arrangement, we deem it appropriate to permit the withdrawal of an amount of Rs.19,04,000/- per acre, along with statutory benefits plus 20% severance charges and additional sum of Rs. 5 Lacs per acre.

iv) With respect to villages Dharaoli, Sukhgarh, Snetta, Raipur Kalan, Maujpur and Ledi, as an interim arrangement, we deem it appropriate to permit the withdrawal of an amount of Rs.4 Lacs to Rs.12 Lacs per acre, as determined for respective villages along with statutory benefits plus 20% severance charges and additional sum of Rs. 5 Lacs per acre.

v) With respect to villages Swara, Landran, Kailra, Tolemajra, Khooni Majra, Badala and Naya Shahr, as an interim arrangement, we deem it appropriate to permit the withdrawal of an amount of Rs.10 to 12 Lacs per acre, as determined by Reference Court along with statutory benefits plus 20% severance charges and additional sum of Rs. 4 Lacs per acre.

vi) With respect to villages Khanpur, Bhagomajra, Baddi,

Peer Sohana, Sibal Majra, Gharauna, Sukro Hapur, Marauli Kalan, Marauli Khurd, Ramgarh and Manda, as an interim arrangement, we deem it appropriate to permit the withdrawal of an amount of Rs.4 Lacs per acre, along with statutory benefits plus 20% severance charges and additional sum of Rs.4 lacs per acre.

7. It is made emphatically clear, that aforesaid is purely an interim arrangement, and does not reflect the value of the land which has to be determined by the High Court. Those who have already withdrawn more amount than aforesaid shall furnish an undertaking as well as a security to the satisfaction of the Reference Court for making refund of the amount if necessary. The amount shall be deposited within a period of two months in case the same has not been deposited so far.

8. It was submitted that the value of the land in the village Kambala was more. That has to be considered by the High Court, and it would be open to the High Court to look into the entire evidence that is on record, including the document Exhibit-P4. However, not in the method and manner it has been done earlier. The parties are permitted to adduce additional evidence, if any. We

request the High Court to take up the hearing of the matters as expeditiously as possible.

9. In view of the above, the appeals are disposed of.

.....J.
[ARUN MISHRA]

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

NEW DELHI;
DECEMBER 06, 2017.

REVISED

ITEM NO.14

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). 8358-8359/2017

(Arising out of impugned final judgment and order dated 01-06-2016 in RFA No. 3161/2009 01-06-2016 in RFA No. 5463/2009 passed by the High Court Of Punjab & Haryana At Chandigarh)

UNION OF INDIA ETC.

Petitioner(s)

VERSUS

JASMER SINGH AND ANR. ETC.

Respondent(s)

(LIST ALONGWITH OTHER SIMILAR MATTERS IN NEXT WEEK (ORDER DT.20.11.17 IN D.NO.27746/2017))

WITH

SLP(C) No. 31099/2017 (IV-B)

([TO BE LISTED AS SLP(C) DIARY NO. 35056/2016] IA

No.63507/2017-CONDONATION OF DELAY IN FILING and IA

No.63513/2017-CONDONATION OF DELAY IN REFILING)

Diary No(s). 27600/2017 ()

(FOR ADMISSION and I.R. and IA No.114040/2017-CONDONATION OF DELAY IN FILING and IA No.114046/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.114038/2017-PERMISSION TO FILE SLP/TP and IA No.114043/2017-CONDONATION OF DELAY IN REFILING)

Diary No(s). 27598/2017 (IV-B)

SLP(C) No. 31622-31691/2017 (IV-B)

(FOR ADMISSION and I.R. and IA No.95403/2017-CONDONATION OF DELAY IN FILING and IA No.95404/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 28258-28291/2017 (IV-B)

(IA No.97285/2017-CONDONATION OF DELAY IN FILING and IA

No.97286/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.128436/2017-CLARIFICATION/DIRECTION)

Diary No(s). 27122/2017 (IV-B)

(FOR ADMISSION and I.R. and IA No.105245/2017-CONDONATION OF DELAY IN FILING and IA No.105250/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.105248/2017-CONDONATION OF DELAY IN REFILING)

Diary No(s). 27746/2017 (IV-B)

(FOR ADMISSION and I.R. and IA No.109075/2017-CONDONATION OF DELAY IN FILING and IA No.109077/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.109076/2017-CONDONATION OF DELAY IN REFILEING)

Diary No(s). 27744/2017 (IV-B)

(FOR ADMISSION and I.R. and IA No.114889/2017-CONDONATION OF DELAY IN FILING and IA No.114894/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.114898/2017-CONDONATION OF DELAY IN REFILEING)

Date : 06-12-2017 These petitions were called on for hearing today.

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

For Petitioner(s) Mr. P.S. Narasimha, ASG
Mr. Aman Sinha, Sr. Adv.
Ms. V. Mohana, Sr. Adv.
Mr. VVV Pattabhi Ram, Adv.
Mr. Praneet Pranav, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Swarupma Chatruvedi, Adv.
Mr. Raj Bahadur, Adv.
Mr. A.K. Srivastava, Adv.
Mrs. Anil Katiyar, AOR

Mr. K.G. Bhagat, Adv.
Mr. Vineet Bhagat, AOR
Ms. Archana Midha, Adv.

For Respondent(s) Mr. Surojit Singh S., Adv.
Mr. S. L. Aneja, AOR
Mr. Rajeswar Singh Thakur, Adv.
Mr. Abhijat P. Medh, AOR

Mr. M.L. Sagar, Sr. Adv.
Mr. J.S. Dhaliwal, Adv.
Mr. Tanuj Bagga, AOR
Dr. M.K. Ravi, Adv.

Mr. Mahesh Kaushal, Adv.
Mr. Surinder Singh, Adv.

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

On oral request, Diary No.37378/2017, Diary No. 34477/2016, Diary No. 34943/2016 & Diary No. 35057/2016 are taken on record as, it is submitted that, these are

similar matters.

Permission to file special leave petition(s) is granted. Substitution applications are allowed.

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)
COURT MASTER (SH)

(JAGDISH CHANDER)
COURT MASTER

(Signed order is placed on the file)

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