

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5837-5855 OF 2017

TEJA RAM & ANR. ETC.

APPELLANT(S)

VERSUS

THE STATE OF PUNJAB & ORS. ETC.

RESPONDENT(S)

WITH

CIVIL APPEAL NO.8244/2017

CIVIL APPEAL NO.8190-8213/2017

CIVIL APPEAL NO.8247-8260/2017

CIVIL APPEAL NO.5856-6053/2017

CIVIL APPEAL NO.19891-19933/2017
(@ SLP (Civil) No.16193-16235/2017)

O R D E R

Heard learned counsel for the parties.

Permission to file SLPs is granted.

Delay in filing the application for substitution is condoned. Application for substitution is allowed.

Leave granted.

Notification under Section 4 of the Land Acquisition Act, 1894 was issued on 5th April, 1994 for acquisition of land situated in villages Badoli, Gujran, Bhadak, Jakhran, Khadauli, Sardargarh, Damanheri, Pari and Kheri Ganda.

The Land Acquisition Collector awarded compensation of Rs.1,40,000/- per acre; Reference Court enhanced it to Rs.1,75,000/- per acre and High Court enhanced it to Rs.2,10,000/- per acre. The High Court determined total value of the land, as on the date on which the Notification under Section 4 was issued, to be at Rs.4,20,000/-, and made a cut of 50% for the development and, thereafter, awarded the aforesaid compensation at the rate of Rs.2,10,000/- per acre. Dis-satisfied thereby, the land owners have come up in appeals for enhancement of compensation.

Learned counsel appearing on behalf of land owners have urged that excessive cut has been applied by the High Court and, the determination of compensation is thus bad in law and it needs to be

enhanced. Further, not more than 15% to 20% cut should have been applied for the development in the area.

Learned counsel appearing on behalf of the respondents strenuously urged that compensation awarded is appropriate and no case for its further enhancement is made out. The High Court has awarded compensation at Rs.2,10,000/- per acre, that too with respect to Notification of 1994, and 50% cut has rightly been made; hence, no case for further enhancement is made out.

In our opinion, the question to be considered in these appeals is how much cut is to be applied. Considering the totality of circumstances and the facts of the case, it would be appropriate to apply a cut of 33%. By applying the cut of 33% on the determination made by the High Court, i.e. on Rs.4,20,000/-, the amount to be awarded comes to Rs.2,81,400/- per acre. That we award, along with statutory benefits. The deduction of 50% was excessive in the facts and circumstances of the case. The compensation is enhanced to the aforesaid extent

along with permissible statutory benefits.

The appeals are partly allowed and are accordingly disposed of.

No order as to costs.

.....J.
(ARUN MISHRA)

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

NEW DELHI,
NOVEMBER 21, 2017.

Mr.J.P.Dhanda, Adv.
Ms.Raj Rani Dhanda, Adv.
Mr.Vineet Dhanda, Adv.
Ms.Komal Narula, Adv.
Mr.Tarun Kumar, Adv.
Mr.Gopal Chand, Adv.
Mr.N.A.Usmani, Adv.

Ms.Radhika Gautam, AOR

For Respondent(s)

Mr.Karan Bharihoke, Adv.

Mr.Devendra Singh, AOR

Mr.Praveen Kumar, AOR

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

Permission to file SLPs is granted.

Delay in filing the application for substitution is
condoned. Application for substitution is allowed.

Leave granted.

The civil appeals are partly allowed in terms of the
signed order.

(Ashok Raj Singh)
Court Master

(Jagdish Chander)
Court Master

(Signed Order is placed in the file)