

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL No(s). 12870-12892 OF 2017  
(Arising out of SLP(C) Nos. 713-735 OF 2016)**

**DILBAGH SINGH AND ORS. ETC. ETC. Appellant(s)**

**VERSUS**

**STATE OF HARYANA ETC. ETC. & ANR. Respondent(s)**

**WITH**

**CIVIL APPEAL No(s). 12893-12910 OF 2017  
(Arising out of SLP(C) Nos. 23729-23746 OF 2016)**

**CIVIL APPEAL No(s).12916-12926 OF 2017  
(Arising out of SLP(C) Nos. 2183-2193 OF 2016)**

**CIVIL APPEAL No(s). 12928-12931 OF 2017  
(Arising out of SLP(C) Nos.2278-2281 OF 2016)**

**CIVIL APPEAL No(s).12911-12915 OF 2017  
(Arising out of SLP(C) Nos.1831-1835 OF 2016)**

**CIVIL APPEAL No(s).12974 OF 2017  
(Arising out of SLP(C) No.27841 OF 2016)**

**CIVIL APPEAL No(s). 12927 OF 2017  
(Arising out of SLP(C) No. 2277 OF 2016)**

**CIVIL APPEAL No(s). 12932-12934 OF 2017  
(Arising out of SLP(C) Nos. 2513-2515 OF 2016)**

**CIVIL APPEAL No(s). 12937-12938 OF 2017  
(Arising out of SLP(C) Nos.23584-23585 OF 2016)**

**CIVIL APPEAL No(s). 12955-12964 OF 2017  
(Arising out of SLP(C) Nos.23569-23578 OF 2016)**

**CIVIL APPEAL No(s). 12939-12943 OF 2017  
(Arising out of SLP(C) Nos. 23548-23552 OF 2016)**

**CIVIL APPEAL No(s).12976-12978 OF 2017  
(Arising out of SLP(C) Nos. 15208-15210 OF 2016)**

CIVIL APPEAL No(s).12935-12936 OF 2017  
(Arising out of SLP(C) Nos. 23591-23592 OF 2016)

CIVIL APPEAL No(s). 12965 OF 2017  
(Arising out of SLP(C) No. 23582 OF 2016)

CIVIL APPEAL No(s). 12944-12948 OF 2017  
(Arising out of SLP(C) Nos. 5357-5361 OF 2016)

CIVIL APPEAL No(s). 12954 OF 2017  
(Arising out of SLP(C) No. 23589 OF 2016)

CIVIL APPEAL No(s). 12949 OF 2017  
(Arising out of SLP(C) No.23562 OF 2016)

CIVIL APPEAL No(s). 12951 OF 2017  
(Arising out of SLP(C) No. 23581 OF 2016)

CIVIL APPEAL No(s).12953 OF 2017  
(Arising out of SLP(C) No.23543 OF 2016)

CIVIL APPEAL No(s). 12952 OF 2017  
(Arising out of SLP(C) No.23583 OF 2016)

CIVIL APPEAL No(s).12950 OF 2017  
(Arising out of SLP(C) No. 23590 OF 2016)

CIVIL APPEAL No(s). 12966-12969 OF 2017  
(Arising out of SLP(C) Nos. 23553-23556 OF 2016)

CIVIL APPEAL No(s). 12970 OF 2017  
(Arising out of SLP(C) No. 23580 OF 2016)

CIVIL APPEAL No(s). 12971-12972 OF 2017  
(Arising out of SLP(C) Nos. 10105-10106 OF 2016)

CIVIL APPEAL No(s).12973 OF 2017  
(Arising out of SLP(C) No. 23559 OF 2016)

CIVIL APPEAL No(s). 12975 OF 2017  
(Arising out of SLP(C) No. 27868 OF 2016)

CIVIL APPEAL No(s). 13785 OF 2017  
(Arising out of SLP(C) No. 24828 OF 2017)  
(Arising out of SLP(C) No.....CC 19759 OF 2016)

CIVIL APPEAL No(s).13742-13744 OF 2017  
(Arising out of SLP(C) Nos. 24822-24824 OF 2017)  
(Arising out of D. No. 8815 of 2017)

CIVIL APPEAL No(s).13782 OF 2017  
(Arising out of SLP(C) No. 24826 OF 2017)  
(Arising out of D. No. 13998 of 2017)

CIVIL APPEAL No(s).20008-20009 OF 2017  
(Arising out of SLP(C) Nos. 33263-33264 OF 2017)  
(Arising out of D. No. 9656 of 2017)

### O R D E R

Delay condoned.

Leave granted.

The appellants/owners have come up before this Court for enhancement of the compensation. The Land Acquisition Collector (in short 'the Collector') had awarded compensation at the rate of Rs.7,00,000/- (Rupees seven lakhs only) per acre up to the depth of one acre, and Rs.5,00,000/- (Rupees five lakhs only) per acre up to the depth of two acres of land, from G.T. Road. At the same time, the Collector determined the compensation at the rate of Rs. 2,75,000/- (Rupees two lakhs seventy five thousand only) per acre for Chahi land, and Rs.1,50,000/- (Rupees one lakh fifty thousand only) per acre for Gair Mumkin/Banjar Land.

The reference Court has relied upon the sale deed P1, to work out the price of Rs.327/- (Rupees three hundred

twenty-seven only) per sq. yard for land to the depth of one acre from the GT road, and for rest of the area, compensation has been awarded at Rs.297/- (Rupees two hundred and ninety-seven only) per sq. yard after making the 1/3rd deduction.

Learned counsel for the appellants has submitted that other exemplars sale deeds P2 & P3 ought to have been taken into consideration and that the compensation should have been worked out as per the said sale deeds. Another submission urged by the learned counsel for the appellants was that a 9% appreciation has been given for the two years whereas, it should have been given at 12% per annum, that too cumulatively. Thus, it was submitted that compensation deserves to be enhanced.

We are of the opinion that P1, P2, and P3 sale deeds, which have been relied upon, are for a smaller area. P1- sale deed dated 27.05.1998 is of Shahpur village, and by that 2 kanals 1 marla of land was sold at the rate of Rs.362/- (Rupees three hundred and sixty-two only) per sq. yard; P2- sale deed dated 25.5.1998 of the same village related to the sale of 17.5 marlas, at the rate Rs.55/- (Rupees fifty-five only) per sq. yard; whereas, P3 sale deed dated 3.6.1998 for the same village related to the sale of 19 marlas, at the rate of Rs.434/- (Rupees four hundred and thirty-four only) per sq. yard. If we consider P2 & P3 sale deeds, they are for 3600 sq. feet to 4,000 sq. feet; these sale deeds were a for a small area, not obviously for the

purpose of agriculture, it appears the land had been transacted, as apparent from the area, for residential or for commercial purposes. Thus, these exemplar's, including the one which was taken into consideration, was related to the land in the area, two kanals one marla (approx. 10,000 sq. feet). Thus, the exemplar could not have been safely taken into consideration by the reference Court, for determining the price of a big chunk of the land. Be that as it may. As the appeals preferred by the State of Haryana have already been dismissed. In such cases such as the present one, the reference court ought to make an appropriate cut for the smallness of the area.

Apart from the aforesaid cut for the smallness of the area, the cut for the development ought to have been applied, as has been observed by this Court in Major General Kapil Mehra & Ors. vs. Union of India & Anr. [(2015) 2 SCC 262] thus:

**"33. In Haryana State Agricultural Market Board vs. Krishan Kumar, (2011) 15 SCC 297, it was held as under:**

**"10. It is now well settled that if the value of small developed plots should be the basis, appropriate deductions will have to be made therefrom towards the area to be used for roads, drains, and common facilities like park, open space, etc. Thereafter, further deduction will have to be made towards the cost of development, that is, the cost of leveling the land, cost of laying roads and drains, and the cost of drawing electrical, water and sewer lines."**

**35. Reiterating the rule of one-third deduction**

towards development, in Sabhia Mohammed Yusuf Abdul Hamid Mulla vs. Special Land Acquisition Officer, (2012) 7 SCC 595, this Court in paragraph 19 held as under:-

"19. In fixing the market value of the acquired land, which is undeveloped or underdeveloped, the courts have generally approved deduction of 1/3rd of the market value towards development cost except when no development is required to be made for implementation of the public purpose for which land is acquired. In Kasturi vs. State of Haryana (2003) 1 SCC 354) the Court held: (SCC pp. 359-60, para 7)

"7... It is well settled that in respect of agricultural land or undeveloped land which has potential value for housing or commercial purposes, normally 1/3rd amount of compensation has to be deducted out of the amount of compensation payable on the acquired land subject to certain variations depending on its nature, location, extent of expenditure involved for development and the area required for road and other civic amenities to develop the land so as to make the plots for residential or commercial purposes. A land may be plain or uneven, the soil of the land may be soft or hard bearing on the foundation for the purpose of making construction; may be the land is situated in the midst of a developed area all around but that land may have a hillock or may be low-lying or may be having deep ditches. So the amount of expenses that may be incurred in developing the area also varies. A claimant who claims that his land is fully developed and nothing more is required to be done for developmental purposes must show on the basis of evidence that it is such a land and it is so located. In the absence of such

evidence, merely saying that the area adjoining his land is a developed area, is not enough, particularly when the extent of the acquired land is large and even if a small portion of the land is abutting the main road in the developed area, does not give the land the character or a developed area. In 84 acres of land acquired even if one portion on one side abuts the main road, the remaining large area where planned development is required, needs laying of internal roads, drainage, sewer, water, electricity lines, providing civic amenities, etc. However, in cases of some land where there are certain advantages by virtue of the developed area around, it may help in reducing the percentage of cut to be applied, as the developmental charges required may be less on that account. There may be various factual factors which may have to be taken into consideration while applying the cut in payment of compensation towards developmental charges, may be in some cases it is more than 1/3rd and in some cases less than 1/3rd. It must be remembered that there is difference between a developed area and an area having potential value, which is yet to be developed. The fact that an area is developed or adjacent to a developed area will not ipso facto make every land situated in the area also developed to be valued as a building site or plot, particularly when vast tracts are acquired, as in this case, for development purpose."

The rule of 1/3rd deduction was reiterated in Tejuma1 Bhojwani v. State of U.P. ((2003)10 SCC 525, V.

Hanumantha Reddy v. Land Acquisition Officer, (2003) 12 SCC 642, H.P. Housing Board v. Bharat S. Negi (2004) 2 SCC 184 and Kiran Tandon v. Allahabad Development Authority (2004)10 SCC 745”

36. While determining the market value of the acquired land, normally one-third deduction i.e. 33 1/3% towards development charges is allowed. One-third deduction towards development was allowed in Tehsildar(L.A.) vs. A. Mangala Gowri, (1991) 4 SCC 218; Gulzara Singh vs. State of Punjab, (1993) 4 SCC 245; Santosh Kumari vs. State of Haryana, (1996) 10 SCC 631; Revenue Divisional Officer & L.A.O. vs. Sk. Azam Saheb, (2009) 4 SCC 395; A.P. Housing Board vs. K. Manohar Reddy, (2010)12 SCC 707; Ashrafi vs. State of Haryana, (2013) 5 SCC 527 and Kashmir Singh vs. State of Haryana, (2014) 2 SCC 165.

37. Depending on nature and location of the acquired land, extent of land required to be set apart and expenses involved for development, 30% to 50% deduction towards development was allowed in Haryana State Agricultural Market Board vs. Krishan Kumar (2011) 15 SCC 297; Director, Land Acquisition vs. Malla Atchinaidua 2006 (12) SCC 87; Mummidi Apparao vs. Nagarjuna Fertilizers & Chemicals Ltd., AIR 2009 SC 1506; and Lal Chand vs. Union of India (2009) 15 SCC 769.

38. In few other cases, deduction of more than 50% was upheld. In the facts and circumstances of the case in Basavva v. Land Acquisition Officer, (1996) 9 SCC 640, this Court upheld the deduction of 65%. In Kanta Devi vs. State of Haryana (2008) 15 SCC 201, deduction of 60% towards development charges was held to be legal. This Court in Subh Ram vs. State of Haryana, (2010) 1 SCC 444, held that deduction of 67% amount was not improper. Similarly, in Chandrasekhar vs. Land Acquisition Officer, (2012) 1 SCC 390, deduction of 70% was upheld.

39. We have referred to various decisions of this Court on deduction towards development to stress upon the point that deduction towards development depends upon the nature and location of the acquired land. The deduction includes components of land required to be set apart under the building

rules for roads, sewage, electricity, parks, and other common facilities and also deduction towards development charges like laying of roads, construction of sewerage."

In view of the aforesaid decision, the determination that has been made cannot be said to be inadequate. Appropriate deduction ought to have been made for the smallness of the area and for development, which has not been made. In the facts and circumstances of the case, we are not inclined to enhance the compensation any further.

The appeals are dismissed.

.....J.  
(ARUN MISHRA)

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

NEW DELHI;  
SEPTEMBER 12, 2017

ITEM NO.3+7

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). 713-735/2016

(Arising out of impugned final judgment and order dated 03-09-2015 in RFA No. 2718/2011 03-09-2015 in RFA No. 2719/2011 03-09-2015 in RFA No. 2720/2011 03-09-2015 in RFA No. 2721/2011 03-09-2015 in RFA No. 2722/2011 03-09-2015 in RFA No. 2725/2011 03-09-2015 in RFA No. 2727/2011 03-09-2015 in RFA No. 2731/2011 03-09-2015 in RFA No. 2732/2011 03-09-2015 in RFA No. 2734/2011 03-09-2015 in RFA No. 2738/2011 03-09-2015 in RFA No. 2739/2011 03-09-2015 in RFA No. 2740/2011 03-09-2015 in RFA No. 2742/2011 03-09-2015 in RFA No. 2743/2011 03-09-2015 in RFA No. 2746/2011 03-09-2015 in RFA No. 2750/2011 03-09-2015 in RFA No. 3135/2011 03-09-2015 in RFA No. 3152/2011 03-09-2015 in RFA No. 3159/2011 03-09-2015 in RFA No. 3162/2011 03-09-2015 in RFA No. 3167/2011 03-09-2015 in RFA No. 6372/2011 passed by the High Court Of Punjab & Haryana At Chandigarh)

DILBAGH SINGH AND ORS. ETC. ETC.

Petitioner(s)

VERSUS

STATE OF HARYANA ETC. ETC. &amp; ANR.

Respondent(s)

WITH

SLP(C) No. 23729-23746/2016 (IV-B)

SLP(C) No. 2183-2193/2016 (IV-B)

SLP(C) No. 2278-2281/2016 (IV-B)

SLP(C) No. 1831-1835/2016 (IV-B)

SLP(C) No. 27841/2016 (IV-B)

SLP(C) No. 2277/2016 (IV-B)

SLP(C) No. 2513-2515/2016 (IV-B)

SLP(C) No. 23584-23585/2016 (IV-B)

SLP(C) No. 23569-23578/2016 (IV-B)

SLP(C) No. 23548-23552/2016 (IV-B)

SLP(C) No. 15208-15210/2017 (IV-B)

SLP(C) No. 23591-23592/2016 (IV-B)

SLP(C) No. 23582/2016 (IV-B)

SLP(C) No. 5357-5361/2016 (IV-B)

SLP(C) No. 23589/2016 (IV-B)

SLP(C) No. 23562/2016 (IV-B)

SLP(C) No. 23581/2016 (IV-B)

SLP(C) No. 23543/2016 (IV-B)

SLP(C) No. 23583/2016 (IV-B)

SLP(C) No. 23590/2016 (IV-B)

SLP(C) No. 23553-23556/2016 (IV-B)

SLP(C) No. 23580/2016 (IV-B)  
SLP(C) No. 10105-10106/2016 (IV-B)  
SLP(C) No. 23559/2016 (IV-B)  
SLP(C) No. 27868/2016 (IV-B)  
S.L.P.(C)...CC No. 19759/2016 (IV-B)  
with  
D.NO. 9656 OF 2017

D. NO. 8815 OF 2017

D. NO. 13998 OF 2017

Date : 12-09-2017 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. Neeraj Kumar Jain, Sr. Adv.  
Mr. Surinder Singh, Adv.  
Mr. Siddharth Jain, Adv.  
Mr. Devesh Kumar Tripathi, AOR

Mr. Ugra Shankar Prasad, AOR

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Mr. Manoj Swarup, Adv.  
Mr. Ankit Swarup, Adv.  
Mr. Mukul Kumar, AOR

Mr. Rajat Sharma, Adv.  
Mr. Jarmer Chand, Adv.  
Mr. Manjit Ucha, Adv.  
Mr. Dinesh Verma, Adv.  
Mr. Siddharth Mittal, AOR

For Respondent(s) Mr. B.K. Satija, AAG  
Dr. Monika Gusain, AOR  
Mr. Karunish K. Shukla, Adv.

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

Delay condoned.  
Leave granted.

The appeals are dismissed in terms of the signed order.  
Pending application, if any shall stand disposed of.

(NEELAM GULATI)  
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)  
BRANCH OFFICER

(signed order is placed on the file)