

Corrected
NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3630 OF 2019
(@ out of SLP No(s).5011/2019)

DURGA RAM JAT

Appellant(s)

VERSUS

RAJASTHAN STATE MINES AND MINERALS LIMITED & ORS. Respondent(s)

WITH

CIVIL APPEAL NO(s).3612-3629 OF 2019
(@ out of SLP No(s).9344-9361/2019)
(Dy. No.8507/2019)

NATHU RAM JAT, ETC ETC.

Appellant(s)

VERSUS

RAJASTHAN STATE MINES AND MINERALS LIMITED & ORS. Respondent(s)

JUDGMENT

UDAY UMESH LALIT, J

Leave granted.

By notification dated 07.11.1997 issued under Section 4(1) of the Land Acquisition Act, 1894 ("the Act" for short) an extent of about 7500 bighas of land spread over four villages was sought to be acquired.

The award was declared by the Land Acquisition Officer on 19.09.2000 awarding compensation at the rate of Rs.12,500/- per bigha in respect of irrigated lands and Rs.7,500 per bigha insofar as non-irrigated lands were concerned. Thereafter a Negotiation Committee looked into the grievances of the land-holders and after

hearing certain representatives of the Land holders, Negotiation committee suggested the rate of Rs.14,000/- per bigha and Rs.8,250/- per bigha in respect of irrigated & non-irrigated lands respectively. In the meantime, certain matters preferred under Section 18 of the Act were taken up and the Reference Court awarded compensation @ Rs.50,000/- per bigha at a flat rate i.e. irrespective whether the lands were irrigated or not, in respect of lands coming from Village Matasukh, District Nagaur, Rajasthan.

The challenge to the orders passed by the Reference Court raised by the present-respondent by way of S.B. Civil Misc. Appeal No.7/2011 and in connected appeal was dealt with by the High Court vide its judgment dated 21.07.2011. The High Court allowed the appeals and passed the following directions:

"...

22. Accordingly, these two appeals are partly allowed and the order of the Reference Court dated 19.09.2000 is modified to the extent of rate of compensation being reduced from Rs.50,000 to Rs.25,000/- per bigha as on 07.11.1997. the interest under Section 34 of the Act @ 9% per annum from the date of possession till the date of payment and solatium shall be computed accordingly. However, the other parts of compensation for trees, damages for dislocation etc. is maintained as held by the Reference Court. The amount of compensation so determined may be paid accordingly to the landholders within a period of three months from today. No order as to costs."

The present respondent being aggrieved approached this Court by way of Special Leave to Appeal (Civil) No.27225-27226 of 2011. Some land-holders had also challenged the reduction in compensation which was effected as a result of the

directions issued by the High Court. Both sets of matters were taken up together and by order dated 14.02.2017, this Court affirmed the view taken by the High Court.

Subsequently Review Petition preferred by the present-respondent was also dismissed by this Court on 03.05.2017.

Later, Civil Misc. Reference Case No.18/2004 and all connected matters came up before the District Judge, Medta, Rajasthan who by order dated 31.01.2018 directed that the land-holders were entitled to compensation in the sum of Rs.25,000/- per bigha and other statutory benefits available under the Act. While awarding such compensation, the District Judge, relied upon the decisions of the High Court and this Court as aforesaid and awarded the compensation at the aforesaid rate. The view so taken by the Reference Court is presently under challenge in S.B.Civil Misc.Appeal No.1337/2018 and all other connected matters before the High Court of Rajasthan at Jodhpur.

While dealing with those appeals, by order dated 26.09.2018 which is presently under appeal, the High Court directed the present respondent to furnish bank guarantees in the sum of Rs.60 lakhs within one week and further directed that on furnishing of such bank guarantee there would be stay of the directions issued by the Reference Court.

We have heard Mr. Sushil Kr. Jain, learned Senior Counsel and learned advocate appearing for the State.

It is a matter of record that in respect of lands coming

from the same village and subject to same acquisition, the compensation granted by the High Court was at the rate of Rs.25,000/- per bigha irrespective whether lands were irrigated or not. The assessment made by the High Court was affirmed by this Court by dismissing special leave petition and later the review petition preferred by the present respondent was also dismissed.

The view taken by the High Court and this Court which weighed with the Reference Court in arriving at the same rate of compensation at the rate of 25,000/- per bigha.

In the circumstances, we see no reason why the land-holders who are presently before the High Court be denied the same benefit.

We, therefore, direct that present respondent shall deposit the entire decretal sum in terms of the directions issued by the Reference Court. Let deposits be made within eight weeks from today in the Reference Court. The deposit shall be made on the basis of compensation @ Rs.25,000/- per bigha with all statutory benefits. The land-holders may thereafter be permitted to withdraw the sum @ Rs.25,000/- per bigha without furnishing any security but on proof of sufficient identification. The amount representing statutory benefit shall continue to be in deposit with the Reference Court and shall await the orders of the High Court in pending appeals. The amount shall be deposited and/or made over to the land-holders after giving due adjustment/credit to the

payments/deposits made earlier in terms of the award/recommendations of the Negotiation Committee.

With these observations, these appeals stand disposed of.

Since there had been pronouncement by the High Court and the matter had come up before this Court on earlier occasion, we request the High Court to dispose of the pending First Appeals as early as possible and preferably within six months from today.

.....J.
(UDAY UMESH LALIT)

.....J.
(INDU MALHOTRA)

New Delhi,
April 9, 2019.

Leave granted.

Application for addition/deletion/modification of parties is allowed.

Applications for substitution/setting aside abatement is allowed.

Appeals are disposed of in terms of the signed non-reportable judgment.

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

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER

(signed non-reportable judgment is placed on the file)