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RANJIT SINGH & ANR.

v.

STATE OF HARYANA & ORS.

(Civil Appeal No.7657 of 2012)

JULY 31, 2014

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**[R.M. LODHA, CJI, J. CHELAMESWAR AND
A.K. SIKRI, JJ.]**

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Land Acquisition Act, 1894 - Enhancement of compensation - Plea for - Lands pertaining to five different notifications published on 04.06.1980, 13.03.1981, 22.06.1982, 05.07.1982 and 10.02.1983 and located in Sectors 3, 6, 7, 8, 9 and 12 Part-I near Karnal bypass and also Karnal Kunjpura Road in issue - Scope for enhancement of compensation with regard to the said lands - Held: On facts, market value determined by Supreme Court in Subhash Chander's case may be applied to the land acquired under the notifications dated 04.06.1980, 13.03.1981, 22.06.1982 and 05.07.1982 -Further, having regard to all the aspects, market value of the land acquired under the notification dated 10.02.1983 must have parity with the market value of the land acquired under notification dated 05.07.1982 - Consequently, market value of land under notification dated 04.06.1980 fixed at Rs.58.45 per square yard, Rs.66.21 per square yard for the land under notification dated 13.03.1981, Rs.76.21 for the land acquired under notifications dated 22.06.1982, 05.07.1982 and 10.02.1983 - Compensation awarded by the High Court accordingly enhanced - Appellants entitled to statutory benefits on the enhanced compensation.

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Lands pertaining to five different notifications published on 04.06.1980, 13.03.1981, 22.06.1982, 05.07.1982 and 10.02.1983 and located in Sectors 3, 6, 7, 8, 9 and 12 Part-I near Karnal bypass and also Karnal Kunjpura Road were in issue in the present appeals. The

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question for consideration was whether there was any scope for enhancement of compensation with regard to the said lands in question. A

Many of the appellants heavily relied upon the decision of this Court in the matter of 'Subhash Chander & Ors. v. State of Haryana & Anr.'. They submitted that matter in Subhash Chander's case pertained to four notifications dated 04.06.1980 (Sector-6), 13.03.1981 (Sector-3), 22.06.1982 (Sector 9) and 05.07.1982 (Sectors-7 and 8) and that most of the subject lands were acquired under the notifications which were under consideration in the matter of Subhash Chander. As regard notification dated 10.02.1983 (Sector 12, Part-I), it was submitted that the subject land therein was within the municipal area and has a better potential than the land in Sectors 3, 6, 7, 8 and 9. B C D

Disposing of the appeals, the Court

HELD:1.1. As per Subhash Chander's decision, the market value of the land in the year 1980 was determined at Rs.58.45 per square yard, year 1981 at Rs.66.21 per square yard, and year 1982 at Rs.76.21 per square yard. In the Civil Appeal arising out of Special Leave Petition (Civil) No. 22324 of 2013, the appellant placed a list of dates, which refers to a sale deed (Exhibit P-6) dated 09.04.1980 for sale of 15 bighas for Gurudwara on G.T. Karnal Road Bypass, at the rate of Rs.35,000/- per bigha, i.e, at the rate of Rs.46.54 per square yard. The acquisition of land pursuant to the notification dated 04.06.1980 is in very close proximity with the sale deed dated 09.04.1980. If that is taken as a comparable exemplar for determination of market value for the land acquired under notification dated 04.06.1980, the market value of the land comes to Rs.46.54 per square yard. However, as per the judgment of this Court in Subhash Chander's case, the market value in the year 1980 is determined at Rs.58.45. Since the State has not chosen to challenge the E F G H

A impugned judgment, the market value determined by this Court in Subhash Chander's case may be applied to the land acquired under the notifications dated 04.06.1980, 13.03.1981, 22.06.1982 and 05.07.1982. [Paras 11, 12] [357-F-H; 358-A, B, E, F]

B 1.2. As regards the acquisition of subject lands acquired under the notification dated 10.02.1983, the appellants raised two points for appropriate determination of market value, (one) the land acquired has better potential being located in the urban area and (two)
 C the annual increase of 1983 must be given. This Court is not persuaded by the arguments. Coming to the second point first, it may be immediately stated that annual increase for a fraction of a year would not be ordinarily just for determination of the market value. As regards the
 D first point, land under acquisition is a large tract of land and except that the subject land happens to fall in the municipal area, there is not much difference in the potentiality of the land acquired under the notification of 05.07.1982 and the subject lands. Having regard to all
 E these aspects, market value of the land acquired under the notification dated 10.02.1983 must have parity with the market value of the land acquired under the notification of 05.07.1982. [Para 13] [358-F-H; 359-A-B]

F 1.3. Consequently, the market value of the land under the notification dated 04.06.1980 is fixed at Rs.58.45 per square yard, Rs.66.21 per square yard for the land under notification dated 13.03.1981, Rs.76.21 for the land acquired under the notifications dated 22.06.1982, 05.07.1982 and 10.02.1983. The compensation awarded
 G by the High Court is accordingly enhanced to the above extent. [Para 14] [359-C]

H 1.4. The appellants who have approached this Court beyond one year of the impugned judgment shall not be entitled to any interest for the period of delay. The appellants shall be entitled to statutory benefits on the

enhanced compensation. The differential amount shall be paid by the respondents to the appellants within two months from the date of receipt of the judgment of this Court. [Para 15] [359-D, E]

Subhash Chander & Ors. v. State of Haryana & Anr. [Civil Appeal No.2187 of 2013; decision dated 19-02-2013 of Supreme Court of India] - referred to.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7657 of 2012.

From the Judgment and Order dated 05.10.2007 in RFA No. 1255 of 1988 of the by Punjab and Haryana High Court at Chandigarh.

WITH

C.A. Nos. 7680-7681, 7691, 8924, 7661. 7675, 7676, 7678, 7679, 7658-7659, 7684-7688, 7683, 7689, 7690, 7692 & 7663 of 20012.

C.A. Nos. 250-256 of 2013.

C.A. Nos. 7385, 7386, 7387 and 7388 of 2014.

V.K. Jhanji, D.S. Bali, Rajesh Sharma, Shalu Sharma, Rajiv Kumar, Dinesh Verma, Prabhoo Dayal Tiwari (for Dr. Kailash Chand), Ravindra Keshavra Adsure, M.K. Dua, Punit Dutt Tyagi, Ajay Chaudhary, Naveen Kumar Chauhan, Avneesh Garg, Abhik Kumar, Rahul Singh Chauhan (for Praveen Swarup), Mohan Pandey, Shree Pal Singh, Abhik, R.S. Chauhan, Dr. Sushil Balwada, Ajay Singh, Aribam Guneshwar Sharma, Arna Das, Rameshwar Prasad Goyal, Jasbir Singh Malik, S.K. Sabharwal for the Appellants.

Narender Hooda, Sr. AAG, Vikas Sharan, AAG, Ankit Swarup, Karnal Mohan Gupta, Dr. Monika Gussain for the Respondents.

The Judgment of the Court was delivered by

- A **R.M. LODHA, CJI.** 1. Delay in filing applications for substitution is condoned.
2. Applications for substitution are allowed.
3. Permission to file special leave petitions is granted.
- B 4. Delay in filing the special leave petitions is condoned.
5. Leave granted in SLP(C) Nos. 22324 of 2013, 5405 of 2014, 16788 of 2014 and S.L.P.(C)@ CC NO. 12129 of 2013.
6. In this group of appeals, the question for consideration is whether there is any scope for enhancement of compensation with regard to the subject lands.
- C 7. The subject lands pertain to five different notifications published on 04.06.1980, 13.03.1981, 22.06.1982, 05.07.1982 and 10.02.1983 and are located in Sectors 3, 6, 7, 8, 9 and 12 Part-I near Karnal bypass and so also Karnal Kunjpura Road.
- D 8. Learned senior counsel and learned counsel appearing for many of the appellants heavily relied upon the decision of this Court in the group of matters, lead matter being Civil Appeal No.2187 of 2013 arising from Petition for Special Leave to Appeal (Civil) No.17615 of 2008, 'Subhash Chander & Ors. v. State of Haryana & Anr.' given on 19.02.2013. They submitted that matter in Subhash Chander's case (supra) pertains to four notifications dated 04.06.1980 (Sector-6), 13.03.1981 (Sector-3), 22.06.1982 (Sector 9) and 05.07.1982 (Sectors-7 and 8). Most of the subject lands were acquired under the notifications which were under consideration in the matter of Subhash Chander (supra).
- E 9. As regard notification dated 10.02.1983 (Sector 12, Part-I), learned counsel submits that the subject land therein is within the municipal area and has a better potential than the land in Sectors 3, 6, 7, 8 and 9.
- F 10. In *Subhash Chander's case* (supra), this Court noted the judgment of the High Court to the following extent:-
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"In absence of sufficient material of comparable rates, the market price can be determined by periodical increase formula approved by the Apex Court in the case of Sahaswan, District Baduan (supra). If the formula approved by the Apex Court in Shaswan, District Baduan (supra) is to be applied with 1973 year as the base, the market value of the land in the year 1980 comes to Rs.58.45/-, in the year 1981 comes to Rs.66.21/- and in the year 1982 comes to Rs.76.21/-. The land being big chunk, 1/3rd of the development purposes, for roads, parks and public utilities. Therefore, the rate per square yard comes to Rs.39.17/- as on the date of notification dated 4.6.1980 and Rs.44.37/- per square as on the date of notification dated 13.3.1981 and at Rs.51.07/- per square yard as on the dates of notifications dated 22.6.1982 and 5.7.1982. Accordingly, the market price of the land under different acquisition notifications is assessed at Rs.39/- per square yard in respect to land acquired for Sector 6 (represented by notification dated 4.6.1980) and Rs.44/- for Sector 3 (represented by the notification dated 22.6.1982 and 5.7.1982). These appeals are accordingly allowed with costs and respondents are directed to calculate the compensation for the acquired land at the above rates. The appellants are also entitled to solatium and interest as determined by the Reference Court on the amount determined herein."

11. As per Subhash Chander's decision, the market value of the land in the year 1980 was determined at Rs.58.45 per square yard, year 1981 at Rs.66.21 per square yard, and year 1982 at Rs.76.21 per square yard.

12. In the Civil Appeal arising out of Special Leave Petition (Civil) No. 22324 of 2013, learned counsel for the appellant placed before us a list of dates, which refers to a sale deed (Exhibit P-6) dated 09.04.1980 for sale of 15 bighas for Gurudwara on G.T. Karnal Road Bypass, at the rate of

A Rs.35,000/- per bigha, i.e, at the rate of Rs.46.54 per square yard. The acquisition of land pursuant to the notification dated 04.06.1980 is in very close proximity with the sale deed dated 09.04.1980. If that is taken as a comparable exemplar for determination of market value for the land acquired under

B notification dated 04.06.1980, the market value of the land comes to Rs.46.54 per square yard. However, as per the judgment of this Court in *Subhash Chander's* case (supra), the market value in the year 1980 is determined at Rs.58.45. It is pertinent to note here that the Single Judge determined the

C market value of the subject lands by applying the principles laid down by this Court in the case of "*Krishi Utpadan Mandi Samiti, Sahaswan, District Badaun* through its *Secretary v. Bipin Kumar and Another*, (2004) 2 SCC 283. He took the exemplar of 1973 as the base and then gave increase of 15% per year

D and then applied cut of 1/3rd price for development purposes, roads, parks and public utilities. This Court although maintained the order of the Single Judge insofar as he took the exemplar of 1973 as the base and yearly increase but found no justification for cut for development purposes and such other

E considerations. Be that as it may, since the State has not chosen to challenge the impugned judgment, we are satisfied that the market value determined by this Court in *Subhash Chander's* case (supra) may be applied to the land acquired under the notifications dated 04.06.1980, 13.03.1981, 22.06.1982 and 05.07.1982. We order, accordingly.

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13. As regards, the acquisition of subject lands acquired under the notification dated 10.02.1983, Mr. M.K. Dua, learned counsel for the appellants raises two points for appropriate determination of market value, (one) the land acquired has

G better potential being located in the urban area and (two) the annual increase of 1983 must be given. We are not persuaded by Mr. Dua's arguments. Coming to the second point first, it may be immediately stated that annual increase for a fraction of a year would not be ordinarily just for determination of the

H market value. As regards the first point raised by Mr. Dua,

suffice it to say that land under acquisition is a large tract of land and except that the subject land happens to fall in the municipal area, there is not much difference in the potentiality of the land acquired under the notification of 05.07.1982 and the subject lands. Having regard to all these aspects, we are satisfied that market value of the land acquired under the notification dated 10.02.1983 must have parity with the market value of the land acquired under the notification of 05.07.1982. A B

14. Consequently, the market value of the land under the notification dated 04.06.1980 is fixed at Rs.58.45 per square yard, Rs.66.21 per square yard for the land under notification dated 13.03.1981, Rs.76.21 for the land acquired under the notifications dated 22.06.1982, 05.07.1982 and 10.02.1983. We, accordingly, enhance the compensation awarded by the High Court to the above extent. C D

15. The appellants who have approached this Court beyond one year of the impugned judgment shall not be entitled to any interest for the period of delay. The appellants shall be entitled to statutory benefits on the enhanced compensation. The differential amount shall be paid by the respondents to the appellants within two months from the date of receipt of the judgment of this Court. E

16. The appeals are allowed as above with no order as to costs. F

17. Civil Appeal Nos.7660 of 2012 and 7662 of 2012 are detagged from this group of matters.