

(2024) 11 SC CK 0055

In the Supreme Court Of India

Case No : Civil Appeal No(S). 13309-13310 Of 2024

Anek Singh Etc

APPELLANT

Vs

State Of Uttar Pradesh & Anr

RESPONDENT

Date of Decision : 28-11-2024

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 6, 18

Citation : (2024) 11 SC CK 0055

Hon'ble Judges : B.R. Gavai, J;K.V. Viswanathan, J

Bench : Division Bench

Advocate : S.P. Singh, Shree Pal Singh, Rahul Singh, Rohan Chaudhary, K. Sita Rama Rao, Rajiv Varma, Sheetal Gupta, Manjeet Kumar Jha, Shannu Bhaghel, Vithal Aditya, K Parmeshwar, Sakshi Kakkar, Shakti Singh

Final Decision : Allowed

Judgement

B.R. Gavai, J

1. Leave granted.

2. These appeals challenge the judgment and order dated 30.04.2019 passed by the learned Single Judge of the High Court of Judicature at Allahabad in First Appeal Nos.836 of 1988 and 1124 of 2003, thereby dismissing the same.

3. The facts giving rise to the present appeals are as under:-

Vide Notification dated 05.02.1977 published in the Gazette under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') the land of village Annanpura, Tehsil and District Mathura admeasuring 263.05 acres was acquired for the Uttar Pradesh State Industrial Development Corporation (hereinafter referred to as the 'UPSIDC') for a planned industrial development. Notification under Section 6 of the Act was published on 07.02.1977 and the possession of the land was taken on 13.05.1977. The Special Land Acquisition Officer made the award on 30.08.1980, determining the compensation on the basis of soil

quality, as under:-

Soil Quality	Rate per Acre (In Rs.)
Baraha Avval Chahi	1489.93
Baraha Avval Khaki	6923.35
Baraha Doyam Chahi	7972.35
Baraha Doyam Khaki	4825.37
Putha Khaki	3143.98

Being aggrieved thereby, the appellants made a reference under Section 18 of the Act and the same was rejected. Being aggrieved thereby, the appellants preferred the first appeals and the same were also dismissed. Hence the present appeals by way of special leave petitions.

4. Shri S.P. Singh, learned senior counsel appearing for the appellants, submits that the land, which is not as proximate to Mathura refinery, i.e. village Bhainsa the compensation has been granted @ Rs.15/- per sq. mtr. It is submitted that though the land of the appellants is just across the Mathura refinery the compensation granted to the appellants was @ Rs.1.93 per sq. mtr.

5. He also relies on the order issued by the District Magistrate, Mathura, vide which the circle rates have been notified in different areas in the Mathura District. He, therefore, submits that the High Court has grossly erred in dismissing the appeals.

6. Shri K. Parameshwar, learned Additional Advocate General appearing on behalf of the respondents, on the contrary, submits that all the three Courts have concurrently upon the material placed before them come to a considered conclusion that the lands of the appellants were an agricultural land and therefore, rightly granted compensation depending on the basis of the type of soil.

7. The order dated 22.01.1977 of the District Magistrate, Mathura determines the value of the land of which the stamp duty has to be paid for executing the sale deeds. It can be seen that the Reference Court in the case of agriculturalists from village Bhainsa has taken the same into consideration and awarded compensation @ Rs.15/- per sq. mtr. Apart from that the order dated 22.01.1977 issued by the Collector Mathura has also revealed that the valuation of the land from the areas surrounding Mathura refinery within the radius of 1 km., has been determined at Rs.15/- per sq. mtr. The averment of the appellants in the appeals that the land of the appellants is situated just across the road in front of Gate No.9 of Mathura refinery has gone unchallenged.

8. It is thus clear that the respondents have not disputed the position that the land is just across the road facing Gate No.9 of the Mathura refinery.

9. In that view of the matter, we find that the impugned orders are not sustainable in law.

10. The impugned order dated 30.04.2019 is quashed and set aside and the appeals are allowed.

11. The respondents are directed to pay compensation to the appellants @ Rs.15/- per sq. mtr. The appellants are also entitled to all the statutory benefits along with the interest on the amount awarded, which shall be paid within a period of eight weeks from today.

12. Pending application(s), if any, shall stand disposed of.