

(2014) 12 SC CK 0105

In the Supreme Court Of India

Case No : Civil Appeal Nos. 10982-11033 of 2014, @ SLP(C) Nos. 27234-27285 of 2014, LAA No. 493 of 2011, CM No. 480 of 2012, LAA No. 194/2011, CO No. 22747/2012, LAA No. 355/2011, LAA No. 280/2011, LAA No. 193/2011, in LAA No. 173/2011, LAA No. 24/2011, LAA No. 176

Charan Singh and Others Etc. - Appellants @HASH Union of India and Another

Date of Decision : 11-12-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 23, Section 4

Citation : (2016) 12 Scale 400

Hon'ble Judges : Dipak Misra and Uday Umesh Lalit, JJ.

Bench : Division Bench

Advocate : Mr. Bankey Bihari, Mr. B.S. Maan, Ms. Samita Maan Tokas, Advocates, for the Petitioners; Mr. Vishnu B. Saharya, Mr. Viresh B. Saharya, for M/s Saharya and Co. Mrs. Sudha Gupta, Advocates, for the Respondents

Final Decision : Allowed

Judgement

1. Leave granted.

2. These appeals arise from the common judgment passed by the learned Single Judge of the High Court of Delhi in LA App. No. 115/2011 and connected appeals wherein the learned Single Judge had dismissed the appeals preferred by the claimants and allowed the appeals preferred by Union of India.

3. Be it noted, a notification under Section 4 of the Land Acquisition Act, 1894 (for short "Act") was issued on 04.11.2004. The Land Acquisition Collector categorized the plots into Block A and Block B. As far as Block A is concerned, it awarded Rs. 15,70,000/- per acre and in respect of Block B, it passed an award of Rs. 14,13,000/- per acre. On a reference being made Signature Not Verified Digitally signed by under Section 18 of the Act, the Reference Court did not make any distinction between Blocks A and B and passed an award for determining the compensation at Rs. 17,45,000/- per acre.

4. Being grieved by the award passed by the Reference Court, the claimants/land losers preferred appeals and Union of India also challenged the enhancement made by the Reference Court. The learned Single Judge maintained the Blocks that were fixed by the Land Acquisition Collector and, appreciating the evidence on record, determined the quantum at Rs. 17,45,000/- per acre in respect of Block A lands and reduced the amount to Rs. 17,13,000/- per acre in respect of Block B lands.

5. Being grieved by the aforesaid judgment, the claimants are in appeal before us.

6. It is submitted by learned counsel for the appellants that the High Court has failed to appreciate that the notification in respect of four villages, viz., Bharthal, Bijwasan, Pochanpur and Dhul Saras situated in Dwarka Phase II was notified on 13.12.2000 whereas the notification in respect of the present village, viz., Bamnoli, was issued on 04.11.2004. It is also urged by him that there was a ban of transfer of land in any manner whatsoever, and, therefore, the appellants could not produce contemporaneous sale deeds, but adduced oral evidence with regard to the development taking place nearby and the possibility of price rise. That apart, it is contended that the future prospects of the land in question should have been taken into consideration and the High Court was not justified in reducing the amount. Learned counsel for the appellants would further submit that this Court in Civil Appeal No.2091 of 2014 decided on 13.02.2014 has enhanced the compensation in respect of the four villages which were brought under the notification dated 13.12.2000. It is put forth by him that in the said case the High Court had granted compensation in respect of Block A lands amounting to Rs. 16,50,000/- per acre and Rs. 14,69,000/- in respect of Block B lands. Considering the evidence brought on record and other concomitant factors, this Court has enhanced the amount to Rs. 21,00,000/- in respect of Block A lands and to Rs. 19,00,000/- in respect of Block B lands.

7. Learned counsel for Union of India would contend that in the absence of any sale deeds or any other document which would show enhancement of the price, this Court should not interfere with the judgment rendered by the High Court.

8. Considering the submissions conversed at the Bar, it is noticeable that there has been a gap of almost four years in issuance of the notification under Section 4 of the Act. The village Bamnoli, as the evidence on record would show, is adjacent to the four villages which are covered by the notification dated 13.12.2000. While determining the compensation pertaining to land acquisition, some sort of guess-work is necessary. One has to perceive from the view-point of a prudent purchaser. It is difficult to fathom that, in four years' gap in Dwarka Phase II, price would not have gone up. There is oral evidence to the effect that there has been development in the area and also there has been change in the land use, but because of the ban imposed, no transaction could take place.

9. Considering the totality of the circumstances, we think it apt that the

distinction made by the High Court as regards Blocks A and B respectively cannot be found fault with. The lands are slightly differently situated. However, the compensation that has been granted by the Reference Court, which has been interfered with by the High Court, called for our interference. We are inclined to determine the compensation in respect of Block A at Rs. 25,00,000/- (Rupees twenty five lakhs only) per acre and Block B at Rs. 22,00,000/- (Rupees twenty two lakhs only) per acre. Be it stated, the aforesaid determination has been made keeping in view the gap in two notifications, the development of land in the duration, that is four years, and the annual increase in the value and the change of land use. Needless to say that the claimants shall be entitled to all the statutory benefits including interest on the solatium amount.

10. Resultantly, the appeals are allowed to the extent indicated above and the judgment passed by the High Court and other forums are modified accordingly. There shall be no order as to costs.