

(1993) 09 SC CK 0120

In the Supreme Court Of India

Case No : Civil Appeals Nos. 4983-87 And 4998-5011 Of 1993

Dharam Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 13-09-1993

Acts Referred:

Land Acquisition Act, 1894 — Section 23, 4(1)

Citation : (1995) 1 SCC 203 Supp

Hon'ble Judges : N. P. Singh, J;K. Ramaswamy, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. The lands of the appellants were acquired by a notification published in the State Gazette on 13/12/1982. They laid the claim for a sum of Rs. 61,000.00 per acre. Ultimately they were granted compensation varying between Rs. 15,000.00 to Rs 77,000.00 per acre. These appeals have been filed for enhancement of market value claiming rupees one lakh per acre.

3. Shri Hard Dev Singh, learned Senior Counsel appearing for the claimants placed reliance on the judgment of the Punjab & Haryana High court in State of Punjab v. Khushal Singh wherein the learned Single Judge placed reliance on a statement said to have been agreed between the then Chief Minister and the Action Committee of SYL Canal at which the then Chief Minister seems to have made a statement that the land shall not be valued at less than rupees one lakh per acre and accepted that statement and based thereon awarded the market value at Rs. 1,00,000.00. We find it absolutely difficult to accept the above ratio of the learned Judge. It is not evidence to be looked into as per law to determine the market value under Section 23. The power of the court to determine the market value is conditioned upon adduction of evidence to show the market value prevailing as on the date of notification issued under Section 4(1 and on

the basis of transactions of a willing purchaser and a willing seller on the hypothesis that it will be reasonable basis of fixing of the market value. The statement being not evidence cannot be looked into. Accordingly we do not accept the above ratio to be correct. We do not agree that it is a case requiring further enhancement of market value. The High court has considered all the relevant evidence and enhanced the market value up to Rs. 45,000.00 per acre. The appeals are accordingly dismissed. No costs.