

(2014) 02 SC CK 0118

In the Supreme Court Of India

Case No : Civil Appeal No. 2091 of 2014 (SLP(C) No. 18883 of 2012) with C.A. Nos. 2092-94 (arising out of SLP(C) Nos. 18911-18913 of 2012), C.A. Nos. 2095-96 of 2014 (@ SLP(C) Nos. 19417-19418 of 2012), C.A. No. 2097 of 2014 (@ SLP(C) No. 20046 of 2012), C.A. Nos.

Impulse India P. Ltd. - Petitioner @HASH Union of India and Another

Date of Decision : 13-02-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 23, Section 4

Citation : (2016) 12 Scale 396

Hon'ble Judges : H.L. Dattu and S.A. Bobde, JJ.

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Delay, if any, in filing the application(s) for substitution, is condoned.
2. Application(s) for substitution, if any, is/are allowed.
3. Delay condoned.
4. Leave granted.
5. These batch of appeals arise out of the impugned judgment(s) and order(s) passed by the High Court of Delhi at New Delhi in L.A Appeal No.295 of 2000. dated 06.01.2012 and other connected matters.
6. A notification under Section 4 of the Land Acquisition Act, 1804 (for short "the Act") was issued by the acquiring authority on 13.12.2000 to acquire large extent of lands for the planned development of Dwarka Phase II in revenue villages Bharthal, Bijwasan, Pochanpur and Dhul Saras. Thereafter a declaration under Section 6 of the Act was issued by a notification dated 7.12.2001.
7. The notice was issued for inviting claims from the interested persons under Section 9 and 10 of the Act. After receipt of the claim, the Land Acquisition Collector has passed four separate awards in respect of the villages: Bharthal, Bijwasan, Pochanpur and Dhul Saras villages in Award Nos. 26, 28, 30 and 27 of

2002-2003 respectively. By the said awards, the Land Acquisition Officer/Collector had fixed the compensation payable to the lands so acquired at the rate of Rs. 13.82 lacs per acre for Block "A" lands (level field with top soil) and Rs. 12.32 lacs per acre for Block "B" lands (without top soil) respectively.

8. Aggrieved by the compensation so awarded, the land losers/agriculturists had sought for a reference under Section 18 of the Act before the Reference Court.

9. After registering the reference and after recording the evidence of the parties, the Reference Court has enhanced the compensation for Block "A" lands at Rs. 15 lacs per acre and for Block "B" lands at Rs. 13.36 lacs per acre. However, the lands situated in Pochanpur village remain excluded from the benefit of enhancement.

10. The agriculturists/land-loosers approached the High Court for enhancement of the compensation so awarded by the Reference Court. The Acquiring Authority also had filed their cross-objections.

11. The High Court, by its detailed judgment(s) and order(s), has thought it fit to enhance the compensation awarded by the Reference Court by granting an increase of 10% over and above the value determined by the Reference Court from Rs. 15/- lacs per acre of Block "A" lands to Rs. 16.50/- lacs per acre and from Rs. 13.36/- lacs per acre to Rs. 14,69,600/- for Block "B" lands per acre. Aggrieved by the compensation so quantified by the High Court, the land-loosers/agriculturists are before us in these batch of appeals.

12. We have heard Shri Mukul Rohtagi, Shri Guru Krishna Kumar, learned senior counsel and other learned counsel appearing for the respective appellant(s)-claimant(s) and Ms. Rachna Srivastava, learned counsel appearing for the respondent(s)/acquiring authority.

13. We have carefully perused the award(s) passed by the Land Acquisition Officer/Collector, the Reference Court as well as the High Court. In our view, the compensation so awarded by the authorities as well as the High Court is on a lesser side. Therefore, keeping in view the peculiar facts and circumstances of the case, and also other factors, we intend to increase the compensation so awarded by the High Court for Block "A" lands from Rs. 16.50/- lacs to Rs. 21/- lacs per acre and from Rs. 14.60/- lacs to Rs. 19/- lacs per acre for Block-B" lands.

14. In the result, we allow the appeals filed by the claimants. We enhance the compensation awarded by the High Court for Block "A" lands from Rs. 16.50/- lacs to Rs. 21/-lacs per acre and from Rs. 14.60/- lacs to Rs. 19/- lacs per acre for Block "B" lands respectively. This compensation so awarded by us is common to all the lands in Bharthal, Bijwasan. Pochanpur and Dhul Saras villages. Needless to say that the appellants are entitled for all the statutory benefits provided under the provisions of the Land Acquisition Act, 1894.

15. Shri Anand Yadav, learned counsel appearing for the claimant has brought to our notice certain remarks made in paragraph 18 of the impugned judgment and order in L.A. No. 576 of 2008. dated 31st October, 2012 In our opinion, the said paragraph is wholly unnecessary. Therefore, we expunge paragraph 18 from the said impugned judgment and order.

16. The respondents-authorities shall quantify the amounts payable to the appellants and deposit the same before the Reference Court/Executing Court as early as possible, at any rate, within four months" from the date of receipt of a copy of this Court's order.

17. With these observations and directions, all the Civil Appeals as well as the applications are disposed of.