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**(2015) 01 SC CK 0069**

**In the Supreme Court Of India**

**Case No :** C.A. Nos. 727-800 of 2015 (Arising out of SLP(C) Nos. 10285-10358 of 2011), C.A. Nos. 801-811 of 2015 (Arising out of SLP(C) Nos. 10362-10372 of 2011), C.A. Nos. 812-821 of 2015 (Arising out of SLP(C) Nos. 10374-10383 of 2011), C.A. Nos. 822-886 of 2015 (

Omkar Singh and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

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**Date of Decision :** 20-01-2015

**Acts Referred:**

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

**Citation :** (2015) 1 SCALE 673

**Hon'ble Judges :** H.L. Dattu, C.J.; Arun Mishra, J.; Arjan Kumar Sikri, J.

**Bench :** Full Bench

**Final Decision :** Dismissed

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**Judgement**

1. Delay, in filing the application(s) for substitution, if any, is condoned. Application(s) for substitution, if any, is/are allowed.

2. Delay, in filing special leave petition(s) if any, is/are condoned.

3. Leave granted.

4. Since the facts involved in all these appeals are identical, for the sake of convenience, this Court would notice the facts only in the Civil Appeal(s) arising out of SLP(C) Nos. 10285-10358 of 2011.

Civil Appeal Nos. 727-800 of 2015 (Arising out of SLP(C) Nos. 10285-10358 of 2011)

5. The claimants, aggrieved by the judgment(s) and order(s) passed by the High Court of Punjab and Haryana at Chandigarh, passed in a batch of Regular First Appeals, dated 23.08.2010, are before us in these appeals. In the said batch of regular first appeals, the High Court has disposed of the matters by relying upon the reasons in its main judgment and final order in R.F.A. No. 3323 of 2005,

dated 23.08.2010.

6. The facts in brief are: The lis pertains to the acquisition of 8,789 Kanals and 11 marlas of land in nine villages being village Chirhara, Jaliawas, Suthani, Rudh, Asalwas, Pathuhera, Suthana, Banipur and Jalalpur, all situated in District Rewari, Haryana. The State of Haryana issued notification Under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), to acquire the said land for the public purpose of development as an Industrial Growth Centre at Bawal, dated 10/12.9.1992. This was followed by notification, issued Under Section 6 of the Act, dated 03.09.1993.

#### Acquisition regarding village Chirahara

7. The Land Acquisition Collector (for short, "the Collector") vide two separate awards, assessed compensation at the rate of Rs. 1,10,000/- per acre for Chari and Gair Mumkin kind of land; Rs. 85,000/- per acre for Barani land; Rs. 1,25,000/- per acre for land near road on National Highway No. 71 (Rewari-Bawal road) and Rs. 2,00,000/- per acre upto depth of two acres on national Highway No. 8, dated 12.08.1995 and 25.08.1995.

8. Dissatisfied with the award of the Collector, the land owners filed objections and sought for a reference Under Section 18 of the Act. The learned Reference Court assessed the market value of the acquired land at the rate of Rs. 4,80,000/- per acre for the land falling upto the depth of 500 meters on National Highway No. 8 and 71 and Rs. 3,20,000/- per acre for the land beyond 500 meters on both sides of National Highway No. 8 as well as State Highway (Rewari-Bawal road) for all types of land.

#### Acquisition regarding village Jaliawas

9. The collector assessed compensation at the rate of Rs. 80,000/- per acre for Chahi Kind of land; Rs. 60,000/- per acre for Barani land; Rs. 40,000/- per acre for Banjar kind of land; Rs. 1,10,000/- per acre for Gair Mumkin land; Rs. 2,00,000/- per acre for land on National Highway No. 8 and Rs. 1,50,000/- per acre on Rewari-Bawal Road, vide award dated 16.06.1994.

10. Dissatisfied with the award of the collector, the land owners filed objections. On reference Under Section 18 of the Act, the learned Reference Court assessed the market value of the acquired land at the rate of Rs. 3,30,000/- per acre for the land falling upto the depth of 500 meters on National Highway No. 8 and 71 and Rs. 2,00,000/- per acre for the land beyond 500 meters on both sides of National Highway No. 8 as well as State Highway (Rewari-Bawal road) for all types of land.

#### Acquisition regarding village Suthani

11. The Collector assessed compensation at the rate of Rs. 80,000/- per acre for Chahi kind of land; Rs. 60,000/- per acre for Barani land; Rs. 40,000/- per acre for Banjar kind of land and Rs. 1,10,000/- per acre for Gair Mumkin land, vide

award dated 09.06.1994.

12. Dissatisfied with the award of the Collector, the land owners filed objections. On reference Under Section 18 of the Act, the learned Reference Court assessed the market value of the acquired land at the rate of Rs. 2,00,000/- per acre for all types of land.

Acquisition regarding village Rudh

13. The Collector assessed compensation at the rate of Rs. 90,000/- per acre for Chahi Land; Rs. 1,40,000/- per acre for Gair Mumkin land and Rs. 2,00,000/- per acre for the land falling upto two acres on national Highway No. 8, vide his award dated 25.08.1995.

14. Dissatisfied with the award of the collector, the land owners filed objections. On reference Under Section 18 of the Act, the learned Reference Court assessed the market value of the acquired land at the rate of Rs. 4,00,000/- per acre upto 500 meters on both sides of National Highway No. 8 and Rs. 3,00,000/- per acre for the remaining land.

Acquisition regarding villages Aswalwas, Pathuhera and Suthana

15. The Collector, vide different awards, assessed the market value of the acquired land for Asalwas village as Rs. 90,000/- per acre for Chahi land; Rs. 85,000/- per acre for Barani land, Rs. 55,000/- per acre for Bhodd land, Rs. 1,35,000/- per acre for Gair Mumkin land, Rs. 2,00,000/- per acre for land on National Highway No. 8 upto two acres. For the land acquired in village Pathuhera, Rs. 80,000/- per acre for Chahi land Rs. 70,000/- per acre for Barani land, Rs. 2,00,000/- per acre for land on National Highway No. 8 upto two acres was awarded. For the land acquired in village Suthana, Rs. 80,000/- per acre for Chahi land; Rs. 60,000/- per acre for Barani land, Rs. 40,000/- per acre for Banjar land and Rs. 1,10,000/- per acre for Gair Mumkin land, Rs. 2,00,000/- per acre for land on National Highway No. 8 upto two acres and Rs. 1,25,000/- per acre for the land on Rewari-Bawal road was awarded.

16. Dissatisfied with the award of the Collector, the land owners filed objections. On reference Under Section 18 of the Act, the learned Reference Court assessed the market value of the acquired land at the rate of Rs. 3,00,000/- per acre for the land upto the depth of 500 meters on both sides of National Highway No. 8 and State Highway No. 71 and Rs. 2,00,000/- per acre for the remaining land.

Acquisition regarding village Banipur

17. The Collector, vide award dated 05.06.1994, assessed compensation at the rate of Rs. 1,00,000/- per acre for Chahi land; Rs. 85,000/- for Bhodd land and Rs. 90,000/- per acre for Barani land.

18. Dissatisfied with the award of the Collector, the land owners filed objections. On reference Under Section 18 of the Act, the learned Reference Court assessed the market value of the said acquired land at the rate of Rs. 3,00,000/- per acre

for land for all kinds of land.

#### Acquisition regarding village Jalapur

19. The Collector, vide his award dated 25.08.1995, assessed compensation at the rate of Rs. 80,000/- per acre for Chahi land and Rs. 1,10,000/- per acre for the land falling on both sides of road two acres.

20. Dissatisfied with the award of the Collector, the land owners filed objections. On reference Under Section 18 of the Act, the learned Reference Court assessed the market value of the said acquired land at the rate of Rs. 2,20,000/- per acre for land upto the depth of 500 meters on both sides of the road Rs. 1,60,000/- per acre for remaining land.

21. The land owners as well as the Haryana State Industrial Development Corporation (for short, "the H.S.I.D.C.") preferred appeals against the aforesaid awards of the learned Reference Court. The High Court vide detailed judgment in R.F.A. No. 703 of 2003, titled Haryana State Industrial Development Corporation v. Mehar Chand and Ors., dated 06.09.2006, remanded the appeals with a direction to the learned Reference Court for fresh determination of market value of the acquired land on the basis of evidence already led by the parties.

22. On remand, the learned Reference Court, vide different awards, assessed the market value of the acquired land for different rates, the details of which are as under:

23. Aggrieved by the aforesaid order(s) so passed, the H.S.I.D.C. as well as claimants approached the High Court by way of Regular First Appeals. To determine the fair market value, the High Court took into consideration the average price of certain sale instances relating to village Chirhara, Which was regarded as the best evidence and arrived at an amount of Rs. 5,84,000/- per acre, after granting 12% increase per annum from the date of sale deed to the date of notification Under Section 4 of the Act. The High Court further held that a development cut of 1/3rd is to be applied to aforesaid price which brought the said amount to Rs. 3,91,280/- per acre, which was finally rounded off to Rs. 4,00,000/- per acre.

24. The High Court, vide the impugned judgment and order, awarded a common compensation in all the villages, dated 23.08.2010. The same is as follows: Rs. 4,00,000/- per acre for the land situated upto 500 meters on NH-8; and Rs. 3,00,000/- per acre for the lands situated on either side of Rewari-Bawal road upto 500 meters depth and for land beyond 500 meters on NH-8, but within 500 meters of Rewari-Bawal Road. For the remaining land, the High Court has awarded compensation at the rate of Rs. 2,00,000/- per acre.

25. Aggrieved by the aforesaid judgment and order passed by the High court, the claimants are before us in these appeals.

26. We have heard learned Counsels for the parties to the lis and have also

carefully perused the award(s)/order(s) passed by the Courts below.

27. In our considered opinion, keeping in view the peculiar facts and circumstances of the case and also other factors, we deem it appropriate to enhance the compensation awarded by the High Court. Therefore the compensation is increased from Rs. 4,00,000/- acre to Rs. 5,00,000/- for the land situated upto 500 meters on NH-8 in all the villages; from Rs. 3,00,000/- per acre to Rs. 4,00,000/- for the lands situated on either side of Rewari-Bawal road upto 500 meters depth and for land beyond 500 meters on NH-8 but within 500 meters of Rewari-Bawal Road; and for the remaining land, we enhance the compensation from Rs. 2,00,000/- per acre to Rs. 3,00,000/- per acre. This Court further grants an interest at the rate of 6% per annum from the date of the High Court order, with all statutory benefits on the enhanced amount.

28. The impugned judgment(s) and order(s) passed by the High Court stands modified to the aforesaid extent. In the result, all the civil appeals are allowed in terms of the order passed above.

Ordered accordingly.