

(2014) 03 SC CK 0109

In the Supreme Court Of India

Case No : C.A. Nos. 3547-3689 of 2014 (Arising out of SLP(C) Nos. 1916-2058 of 2012), C.A. Nos. 3690-3701 of 2014 (Arising out of SLP(C) Nos. 22713-22724 of 2012), C.A. Nos. 3773-3776 of 2014 (Arising out of SLP(C) Nos. 19576-19579 of 2011), C.A. No. 8230 of 2011,

State of Haryana

APPELLANT

Vs

Mukhtiar Singh and Others

RESPONDENT

Date of Decision : 06-03-2014

Acts Referred:

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

Citation : (2015) 2 SCALE 354

Hon'ble Judges : Sharad Arvind Bobde, J;H.L. Dattu, J

Bench : Division Bench

Final Decision : Allowed

Judgement

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

2. Delay, if any, in filing the Special Leave Petition(s) is/are condoned.

3. Leave granted.

4. These appeals are directed against the common judgment and order passed by the High Court of Punjab and Haryana at Chandigarh, dated 6th October, 2010.

5. The facts in brief are:

The Government of Haryana issued a notification, dated 07.04.1986 Under Section 4 of the Land Acquisition Act, 1894 (for short "the Act"), for acquisition of total land measuring 6.97 acres, situated in Village Ajronda, Hadbast No. 118, Tehsil and District Faridabad for development and utilization of land as a green belt on the west of Delhi-Mathura Road, Opposite City Centre, Sector 12, Faridabad.

6. The second notification was issued on 05.06.1992 for acquiring land

measuring 7.81 acres, situated in village Ajronda, Hadbast No. 118, Tehsil and District Faridabad, for development and utilization of land for educational, medical, defence and administrative purposes in Sector 20-B, Faridabad.

7. The third notification, dated 03.07.1995 was issued for acquisition of land measuring 98.66 acres situated in Hadbast No. 118, 103.34 acres in Hadbast No. 188; 183.34 acres in Hadbast No. 121 situated in Village Ajronda, 6.88 acres in village Taloribanger, 29.58 acres in village Daultabad, Tehsil and District Faridabad for commercial, institutional, recreational and residential purposes in conformity with development plan for Sector 20-A and 20-B, Faridabad.

8. After considering the objections that were filed by the land owners, the Government of Haryana has issued a declaration Under Section 6 of the Act.

9. The Land Acquisition Collector after considering the claim of the land owners, has quantified the compensation at Rs. 70/- per square yard, (except for the land in R.F.A. No. 4701 of 1998 acquired under notification dated 07.04.1986), Rs. 92.97/- per square yard for the lands acquired under notification dated 05.06.1992 and Rs. 120.86/- per square yard for the lands acquired under notification 03.07.1995.

10. The land owners, being aggrieved by the compensation so awarded by the Land Acquisition Collector had sought for a reference Under Section 18 of the Act before the Reference Court for determination of the fair compensation payable to the land owners.

11. After registering the reference and after recording the evidence of the parties, the Reference Court has quantified the compensation payable at Rs. 435/- per square yard, (except in LAC No. 354 dated 31.03.1997), for the lands acquired under notification dated 07.04.1986, Rs. 392.50/- per square yard for the lands acquired under notification dated 05.06.1992 and between Rs. 400/- to Rs. 480/- per square yards for the lands acquired under notification dated 03.07.1995.

12. The land owners approached the High Court by filing Regular First Appeals for enhancement of the compensation so awarded by the Reference Court. The State of Haryana had also filed their cross-objections.

13. The High Court, by its impugned judgment and order, dated 06.10.2010, disposed of the appeals filed by the land owners and the cross appeals preferred by the State of Haryana and enhanced the compensation to Rs. 435/- per square yard for the lands acquired under notification dated 07.04.1986, Rs. 566/- per square yard for the lands acquired under notification dated 05.06.1992 and Rs. 795/- per square yard for the lands acquired under notification dated 03.07.1995.

14. Aggrieved by the common judgment and order so passed, the State of Haryana as well as the land owners/losers are before us in these appeals.

15. We have heard Shri Govind Goel, learned Counsel appearing for the

Appellant-State and Shri Nidhesh Gupta, Shri V. Shekhar, Shri M.S. Ganesh, learned senior Counsel and other learned Counsels appearing for the respective individuals/land-owners.

16. Shri Goel, learned Counsel appearing for the Appellant-State, while taking us through the impugned judgment and order passed by the High Court, submits that the High Court while enhancing the compensation awarded by the Reference Court had primarily relied upon a decision of the same High Court in the case of State of Haryana v. Escort Dealers Development Association Limited, reported in 1993 (3) PLR 466. He further submits that the High Court, while deciding the Letters Patent Appeal filed by one Horam, S/o. Budha, R/o. Village Mewla Maharajpur, District Faridabad v. State of Haryana, has elucidated the decision in Escort Dealers" case (supra) and has refused to apply the said decision for enhancing the compensation in Horam"s case (supra). The learned Counsel also brings to our notice that the Special Leave Petition (C) No. 9994 of 2006 preferred by the Petitioner/Appellant in the aforesaid L.P.A. was dismissed by this Court on 08.05.2006. Therefore, he submits that the High Court while passing the impugned judgment and order was not justified in relying on the decision of Escort Dealers" case (supra) to enhance the compensation awarded by the Reference Court. The learned Counsel also brought to our notice, a decision of this Court in the case of Ashrafi and Others Vs. State of Haryana and Others, , wherein this Court has awarded a lesser compensation for the lands acquired under the 1987 notification situated at the adjoining villages of Mewla, Maharajpur, District Faridabad. Therefore, he submits that in the present case, the High Court was not justified in enhancing the compensation in view of the decision of this Court in the Ashrafi"s case (supra).

17. Per contra, Shri Nidhesh Gupta, Shri V. Shekhar, Shri M.S. Ganesh, learned senior Counsel and other learned Counsel appearing for the respective individuals/land-owners would submit that the land-owners had relied upon various sale instances by bringing to the notice of the High Court (Exhibits P-5 to P-10 and other exhibits) to contend that the land-owners are entitled for an enhanced compensation, but the High Court has not considered the same while passing the impugned judgment and order.

18. We have gone through the impugned judgment and order passed by the High Court and the courts below.

19. The High Court in its impugned judgment and order initially refers to the fact situation in detail and thereafter while coming to the conclusion that the higher rate of compensation requires to be awarded to the land-owners, primarily relies upon the decision of the same High Court in Escort Dealers" case (supra). The High Court has not adverted to any other aspect of the matter including the sale instances and other evidences which were brought to its notice by the land owners. In our view, the High Court while passing the impugned judgment and order should have looked into the sale instances relied upon by the land owners before passing the impugned judgment and order.

20. Further, Since the Escort Dealers" case (supra) has been explained by a larger bench of the same High Court and the said decision has been approved by this Court while dismissing the Special Leave Petition, in our view, there was no reason for the High Court to have entirely relied upon the decision rendered in Escort Dealers" case (supra). In a case like this, the High Court ought to have looked into the sale instances and other evidences that were brought on record by the land-owners, for arriving at a fair and proper compensation that requires to be awarded to the land owners for the lands acquired. Since that has not been done by the High Court, in our opinion, the impugned judgment and order passed by the High Court requires to be set aside and the matters requires to be remitted back to the High Court for a fresh consideration.

21. In the result, we allow these appeals, set aside the impugned judgment and order passed by the High Court and remand the matter back to the High Court for fresh consideration. We request the High Court to dispose of the appeals as expeditiously as possible, at any rate, within six months from the date of receipt of a copy of this Court's order.

22. We further request the High Court to consider the sale instances, such as Exh. P-5 to P-10 and other documentary evidences that may be brought on record by both the parties and also to take into consideration the potential value of the land on the date of the issuance of the respective notifications. We clarify that we have not expressed any opinion on the claim made by the land owners for higher compensation for the lands acquired.

Ordered accordingly.