

(2015) 03 SC CK 0124

In the Supreme Court Of India

Case No : Civil Appeal No.1726 of 2015, Civil Appeal Nos. 1951, 1952, 1953, 1954, 4181, 4182, 4183, 4185, 4186, 4187, 4189, 4190, 4191, 4192, 4193, 4194 & 1950 of 2013 and Civil Appeal No.1745 of 2015.

Suresh Prasad @ Hari Kishan and Others - Appellants @HASH Union of India and Another

Date of Decision : 18-03-2015

Acts Referred:

Land Acquisition Act, 1894 — Section 23, Section 4

Citation : (2016) 12 Scale 402

Hon'ble Judges : Dipal Misra and Prafulla C. Pant, JJ.

Bench : Division Bench

Advocate : Mr. Arvind Kumar Sharma, Mr. Naresh Kumar, Advocates, for the Appellants; Mr. Sudarshan Singh Rawat, Mr. Utkarsh Sharma, Ms. Rachana Srivastava, Advocates. (NP), for the Respondents

Final Decision : Dismissed

Judgement

1. Heard Mr. Arvind Kumar Sharma, learned counsel for the appellant and Mr. Utkarsh Sharma, learned counsel for the 1st respondent and Mr. Sudarshan Singh Rawat, learned counsel for the 2nd respondent, the beneficiaries.

2. The present appeals are directed against the judgment and order dated 14.03.2012 whereby the High Court has dismissed a bunch of appeals preferred by the land owners whose lands were acquired in exercise of the power under the Land Acquisition Act, 1894 (for short, the "Act"). There is no dispute that the lands are situated in village Masoodabad. Be it noted, a notification under Section 4 of the Act was issued on 05.08.2003 and eventually award was passed on 04.08.2005 by the Land Acquisition Officer determining the compensation at Rs. 15.70 lacs per acre. On the matter being referred to the Reference Court under Section 18 of the Act, the Reference Court, vide judgment and order dated 21.12.2004 enhanced the compensation amount to Rs.18.84 lacs per acre.

3. Being aggrieved by the aforesaid judgment and order, the appeals were preferred and the learned Single Judge of the High Court of Delhi at New Delhi

dismissed the appeals.

4. Mr. Arvind Kumar Sharma, learned counsel for the appellant, submitted that the controversy is covered by the judgment and order of this Court in Civil Appeal Nos.10982-11033 of 2014 titled as Charan Singh & Ors. Etc. v. Union of India & Anr. decided on December 11, 2014 inasmuch as village Masoodabad is adjacent to Dwarka Phase II Project which was the subject matter in the disposed of appeals. In the said case it has been held thus :

"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 III, 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.

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 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."

5. In the case at hand, the facts are similar barring that the notification was issued on 05.08.2003 instead of 04.11.2004. Regard being had to the proximity of the notification and the evidence brought on record, we are inclined to think that the amount of compensation should be fixed at Rs.24 lacs per acre. Needless to say, all other statutory benefits will be available to the appellants.

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