

(2014) 12 SC CK 0040

In the Supreme Court Of India

Case No : Civil Appeal Nos. 674, 675, 676, 1936-1937, 1938, 2609, 3282-3288, 3331, 3387, 3388, 3389, 3390, 3391, 4470-4549, 5053-5054, 5737, 5738, 6650-6717, 7548-7551, 7552, 7553-7559 and 7812, 7813 of 2012, C.A. No. 4481, 4545, 4643, 4644, 4645, 4646, 4647, 5988,

Union of India (UOI)

APPELLANT

Vs

Jai Singh and Others

RESPONDENT

Date of Decision : 16-12-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 17(1), 18, 4, 6

Citation : (2015) 1 RCR(Civil) 519

Hon'ble Judges : H.L. Dattu, C.J.; Madan B. Lokur, J.; Arjan Kumar Sikri, J

Bench : Full Bench

Advocate : Guru Krishna Kumar and Dhruv Mehta, Senior Advocates, Rekha Pandey, S.S. Rawat, S.W.A. Qadri, D.S. Mahra, Anil Katiyar, R.S. Dalai, P.V. Raghunandan, N.S. Dalai, S. Rein, R.C. Kaushik, Pradeep Misra, Anand Yadav, S.N. Pandey, Chander Shekhar Ashri, N.M. Popli, K.N. Popli, B. Sunita Rao, S.K. Yadav, Ramesh Kumar, Ranjeeta Rohtagi, Praghya Baghel, B.P. Gupta, Rajesh Gupta, Ranjeeta Rohatgi Rao, Perna Mehta, B.S. Maan, Bankey Bihari, Surat Singh, Brajesh Kumar Singh, Anil Kr. Tandale, Arvind Kumar Gupta, Abhishek Goyal, K.S. Rana, Sudhir Naagar, Mohit Singh, N. Ganpathy, Vipin Kumar Jai, Gagan Gupta, V.P. Rana, S.S. Panwar, Rameshwar Prasad Goyal, S.D. Baloni, Nivedita Panwar, Nitin Kumar Thakur, Iti Sharma, M.C. Verma and Abhijeet Sinha, Advocates for the Appellant; S. Janani, Renuka Arora, Deepak Goel, Sunanda Raha, V.B. Saharya, Viresh B. Saharya for Saharya and Company, S.K. Verma, Ashwani Kumar, Binu Tamta, Dhruv Tamta, Rachana Srivastava, Utkarsh Sharma, K.S. Rana, R.P. Gupta, Shrinath Agrawal and Suman Gupta, Advocates for the Respondent

Final Decision : Allowed

Judgement

C.A. Nos. 4470-4549 of 2012, 6650-6717 of 2012, 7721-7759 of 2013, 8713-8729/2013, 11332 of 2013

1. Dr. Surat Singh, learned Counsel for the Appellant(s), on instructions, seeks

leave of this Court to withdraw these appeals. Permission sought for is granted.

2. The Civil appeals are disposed of as withdrawn.

IN REST of THE MATTERS FILED BY INDIVIDUALS/CLAIMANTS

3. Delay, in filing of the application(s) for substitution, if any, is condoned.

4. Application(s) for substitution, if any, is allowed.

5. Application(s) for impleadment, if any, is allowed.

6. These appeals are directed against the judgment and order passed by the High Court of Delhi, dated 23.08.2011, whereby and whereunder the High Court has enhanced the compensation awarded by the Reference Court.

7. The short facts in the present set of appeals are: the Respondent-State, by eight different notifications dated 07.08.2000, 11.09.2000, 02.05.2001, 22.08.2001, 07.12.2001, 16.05.2002, 23.05.2002 and 27.01.2003 issued Under Section 4 read with Section 17(1) of the Land Acquisition Act, 1894 (for short "the Act") had proposed to acquire various tracts of land in the ten villages, namely, Pooth Khurd, Holambi Kalan, Bawana, Khera Khurd, Narela, Ali Pur Holambi, Rajpur, Rajapur Kalan, Sanoth, Shahpur Garhi for the purposes of either establishing an industrial estate or laying down a road or freight complex, except in the case of village Narela, where the acquisition was partly for residential purpose and partly for industrial purpose. The said notifications were followed by respective notifications issued Under Section 6 of the Act where the Respondent-state declared the acquisition of aforesaid lands for the aforementioned public purpose.

8. The compensation awarded by the Land Acquisition Collector (for short, "the LAC"), the Reference Court upon reference being made Under Section 18 of the Act and the High Court, in appeal against the orders passed by Reference Court are as under:

9. Aggrieved by the judgment(s) and order(s) passed by the High Court of Delhi, the claimants are before us in these appeals/special leave petitions requesting, inter alia, for enhancement of the compensation awarded by the High Court.

10. We have heard Shri Guru Krishna Kumar, learned senior counsel appearing for the Union of India and learned Counsel for the claimants appearing in respective matters. We have also perused the judgment(s) and order(s) passed by the Courts and authorities below.

11. In our considered view, the High Court has correctly assessed fair and true market value of the acquired lands taking into account the relevant exemplars and, thereafter appropriately calculated the market value of the acquired lands by means of calculating their average values. Further, the High Court has duly considered the potentiality of the respective acquired lands and noted the benefits offered by their location and surroundings.

12. In that view of the matter, we are of the considered opinion that the High Court has not committed any error, whatsoever, that requires our interference and decision in these appeals and special leave petitions.

13. In the result, these appeals and special leave petitions filed by the claimants are liable to be dismissed and are dismissed accordingly. No costs.

Matters filed by the Union of India:

14. The appeals/special leave petitions filed by the Union of India, are also before us in this batch of matters.

15. Since the said appeals/special leave petitions also arise out of the same impugned judgment and order of the High Court as the claimants appeals/special leave petitions, we would not saddle this order by noticing the facts extracted hereinabove.

16. Having heard learned Counsel for both the parties to the lis, we are of the considered opinion that the said appeals/special leave petitions, being devoid of any merit, require to be dismissed. In the result, the appeals/special leave petitions are dismissed. No order as to costs.

Ordered accordingly.