

Ès C.A. Nos.690-694 of 2011 etc.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.690-694 OF 2011

YASDEV INDER SINGH ETC.

APPELLANT(S)

VERSUS

PRESIDENT, LAND ACQUISITION TRIBUNAL
AMRITSAR & ORS

RESPONDENT(S)

WITH

CIVIL APPEAL NOS.4558-4560 OF 2011

JAIDEV INDER SINGH ETC.

APPELLANT(S)

VERSUS

PRESIDENT, LAND ACQUISITION TRIBUNAL
AMRITSAR & ORS

RESPONDENT(S)

CIVIL APPEAL NO.7631 OF 2011

AMARJIT SINGH & ORS.

APPELLANT(S)

VERSUS

AMRITSAR IMPROVEMENT TRUST,
AMRITSAR, THROUGH CHAIRMAN & ORS.

RESPONDENT(S)

CIVIL APPEAL NO.7632 OF 2011

AMARJIT SINGH & ORS.

APPELLANT(S)

Signature Not Verified

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VERSUS

NEETU KHAJURIA
Date: 2014.08.07
18:07:08 IST

AMRITSAR IMPROVEMENT TRUST & ORS.

RESPONDENT(S)

Reason:

C.A. Nos.690-694 of 2011 etc.

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CIVIL APPEAL NO.7636 OF 2011

AMARJIT SINGH & ORS.

APPELLANT(S)

VERSUS

AMRITSAR IMPROVEMENT TRUST & ORS.

RESPONDENT(S)

CIVIL APPEAL NO.6289 OF 2011

SHASHI BHATIA & ORS.

APPELLANT(S)

VERSUS

STATE OF PUNJAB & ORS.

RESPONDENT(S)

CIVIL APPEAL NOS.8106-8108 OF 2011

YASHDEV INDER SINGH, THROUGH
POWER OF ATTORNEY HOLDER & ORS.ETC.

APPELLANT(S)

VERSUS

PRESIDENT, LAND ACQUISITION
TRIBUNAL& ORS.

RESPONDENT(S)

CIVIL APPEAL NOS.5589-5592 OF 2012

GIAN KAUR & ORS.ETC.

APPELLANT(S)

VERSUS

THE AMRITSAR IMPROVEMENT TRUST & ORS.

RESPONDENT(S)

CIVIL APPEAL NO.7523 OF 2012

BALDEV SINGH & ANR.

APPELLANT(S)

VERSUS

AMRITSAR IMPROVEMENT TRUST & ORS.
C.A. Nos.690-694 of 2011 etc.

RESPONDENT(S)

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CIVIL APPEAL NO.9144 OF 2012

VASDEEP SINGH & ORS.

APPELLANT(S)

VERSUS

AMRITSAR IMPROVEMENT TRUST & ORS.

RESPONDENT(S)

CIVIL APPEAL NO.7282 OF 2012

KAWALJIT SINGH & ANR.

APPELLANT(S)

VERSUS

AMRITSAR IMPROVEMENT TRUST & ORS.

RESPONDENT(S)

CIVIL APPEAL NO.1516 OF 2013

ATUL PURI & ORS.

APPELLANT(S)

VERSUS

THE AMRITSAR IMPROVEMENT TRUST & ORS.

RESPONDENT(S)

CIVIL APPEAL NO.3263 OF 2013

GIAN KAUR

APPELLANT(S)

VERSUS

LAND ACQUISITION COLLECTOR & ORS.

RESPONDENT(S)

CIVIL APPEAL NO.5081 OF 2013

GURBACHAN SINGH & ORS.

APPELLANT(S)

VERSUS

AMRITSAR IMPROVEMENT TRUST,
AMRITSAR & ANR.
C.A. Nos.690-694 of 2011 etc.

RESPONDENT(S)

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CIVIL APPEAL NO.6275 OF 2013

AMRIK SINGH

APPELLANT(S)

VERSUS

AMRITSAR IMPROVEMENT TRUST,
AMRITSAR & ORS.

RESPONDENT(S)

CIVIL APPEAL NO.78 OF 2013

INDERJIT SINGH & ORS.

APPELLANT(S)

VERSUS

AMRITSAR IMPROVEMENT TRUST & ORS.

RESPONDENT(S)

O R D E R

We have heard learned counsel for the parties.

2. The High Court in the impugned judgment, while fixing the market value of the subject land at Rs.18.50 per square yard, observed as follows :-

"In the case in hand, the sales instances, which have been taken into consideration by the learned Tribunal are either of the land of the Claimants whose lands have been acquired or part of it has been acquired or of the adjacent land. The sales instances were also of the period immediately before the acquisition. We are in agreement with principle adopted by the Tribunal for determining the

C.A. Nos.690-694 of 2011 etc.

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average price, although the figure is incorrect. Taking into consideration the maximum rate and the minimum rate of the sales instances of very small area, that was, Rs.13 per sq.yd. and Rs.40 per sq.yd. as also maximum area of 1650 sq.yds. which was Rs.21 per sq.yd., the average thereof comes to Rs.24.66 per sq.yd. and not Rs.23 per sq.yd. as arrived at by the Tribunal.

Keeping in view the developed surrounding area and the location of the land, which factum could not be disputed by counsel for respondent, the cut of 40% applied to the case in hand, is not justified and is on the excessive side. The judgments relied upon by the Tribunal for imposing such cut, were cases where sale price of auctioned land in the developed area was to be taken into consideration for determining the market value of the un-developed area, but here the sales instances are of the same land and of the same period when the land was to be acquired. We are of considered view that to moderate the rates of the sales instances which are of small area, while the land acquired is a large area, cut of 25% should have been applied by the Tribunal. When applying the same, the market value of the land would come to Rs.18.50 per sq.yd."

3. Mr. Santosh Krishnan, learned counsel for the appellants in some of the appeals, heavily relies upon the decision of this Court in 'Anjani Molu Dessai v. State of Goa & Another', (2013) 13 C.A. Nos.690-694 of 2011 etc. 6 SCC 710, and submits that the High Court ought to have taken into consideration the maximum rate of the sale instances produced by the appellants instead of drawing the average from the sale deeds. His submission is that the market value must have been fixed at the rate of Rs.40 per square yard, and at best 25% deduction could have been made from that rate, since the land acquired is a large area.

4. In Anjani Molu Dessai's case (supra), with regard to the consideration of several exemplars representing the market price, this Court observed in paragraph 20 of the report (page Nos.715-716) as follows :

"What has been observed by this Court is that where there are several exemplars with reference to similar lands, usually the highest of the exemplars, which is a bona fide, transaction, will be considered."
(emphasis supplied)

Clarifying this statement, the Court further observed that "where there are several sales of similar lands whose prices range in a narrow bandwidth, the average thereof can be taken, as representing the market price."

5. We do not think that Anjani Molu Dessai's case (supra) lays down any absolute proposition of law that in all cases where there are several exemplars with reference to similar lands, the highest of the exemplars must be considered. The statement in Anjani Molu Dessai's case (supra), as noted above, would show that this Court has been guarded as it has qualified the statement by

use of the expression 'usually' and then further clarifying the same.

6. Insofar as the sales instances in the present group of matters is concerned, they relate to very-very small area. The subject land for which the market value is to be determined is about 323 acres.

7. The sale exemplar of 1650 square yards is of the maximum area and consideration of that is of Rs.21 per square yard. The High Court while drawing average had arrived at the consideration of the sale deeds at Rs.23 per square yard.

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8. In the above fact situation, it cannot be said that the High Court committed any error in confirming the finding of the Tribunal on consideration of the sale instances of the same area by drawing out the average. As a matter of fact, the High Court had been quite liberal and considerate in applying 25% deduction only, though the subject land is a very large extent of land in comparison to exemplars relied upon by the appellants.

9. In view of the above, there is no merit in these appeals. These are dismissed with no order as to costs.

.....CJI.
(R.M. LODHA)

.....J.
(J.CHELAMESWAR)

.....J.
(A.K. SIKRI)

NEW DELHI;
JULY 31, 2014
C.A. Nos.690-694 of 2011 etc.
ITEM NO.103

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COURT NO.1 SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(S). 690-694 OF 2011

YASDEV INDER SINGH ETC.

VERSUS

Appellant(s)

PRESIDENT, LAND ACQUISITION
TRIBUNAL AMRITSAR & ORS

Respondent(s)

WITH

C.A. No. 4558-4560 of 2011
(With office report)

C.A. No. 7631 of 2011
(With office report)

C.A. No. 7632 of 2011
(With office report)

C.A. No. 7636 of 2011
(With office report)

C.A. No. 6289 of 2011
(With office report)

C.A. No. 8106-8108 of 2011
(With office report for direction)

C.A. No. 5589-5592 of 2012
(With office report for direction)

C.A. No. 7523 of 2012
(With office report)

C.A. No. 9144 of 2012
(With office report)

C.A. No. 7282 of 2012
(With office report)

C.A. No. 1516 of 2013
(With office report)

C.A. No. 3263 of 2013
(With office report)

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C.A. No. 5081 of 2013
(With office report)

C.A. No. 6275 of 2013
(With office report)

C.A. No. 78 of 2013
(With office report)

Date : 31/07/2014 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE A.K. SIKRI

For Appellant(s)

Mr. Santosh Krishnan, Adv.
For Mr. Nikhil Goel ,Adv.

Mrs. Amita Gupta, Adv.
Ms. Pooja Tandon, Adv.

Mr. E. C. Agrawala, Adv.

Mr. Prabhoo Dayal Tiwari, Adv.

Mr. Rajiv Kumar, Adv.
Mr. Dinesh Verma, Adv.
Mr. Subhasish Bhowmick, Adv.

Mr. Ashok Mathur, Adv.

For Respondent(s)

Mr. Arun K. Sinha, Adv.
Mr. Rakesh Singh, Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. C. K. Rai, Adv.

Mr. Prabhoo Dayal Tiwari, Adv.
Mr. Rajiv Kumar, Adv.
Mr. Dinesh Verma, Adv.
Mr. Subhasish Bhowmick, Adv.

Mr. Shree Pal Singh, Adv.

Mr. Santosh Kumar, Adv.
Mr. Shikher Garg, Adv.

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UPON hearing the counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the
signed order.

Pending IAs, if any, also stand disposed of.

(Neetu Khajuria)
Sr.P.A.

(Renu Diwan)
Court Master

(Signed order is placed on the file.)