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C.A.No. 9808 OF 2003  
ITEM NO.101(PH)

COURT NO.6

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 9808 OF 2003

VINOD BANSAL

APPELLANT (S)

VERSUS

STATE OF HARYANA & ANR.  
(With office report )

RESPONDENT(S)

WITH C.A.NOS. 9820, 9786, 9828, 9838, 9918, 9874, 9885, 9889,  
9846, 9868, 9887, 9869, 9847, 9873, 9880, 9894, 9870, 9916, 9899,  
9886, 9917, 9911, 10105, 10090, 9912, 9900, 10103, 9818, 9825,  
9897, 9909, 9891-9893, 9888, 9792-9798, 9781, 9824, 9779, 9817,  
9803, 9826, 9829, 9827, 9839, 9867, 9881, 9895-9896, 9864, 9831,  
9799, 9802, 9823, 9901, 9787-9791, 9783-9784, 9806-9807, 9800-9801,  
9836-9837, 9833-9834, 9882, 9842-9843, 9809-9810, 9835, 9821-9822,  
9815-9816, 9830, 9871-9872, 9813-9814, 9804-9805, 9883, 9866,  
9811-9812, 9865, 9785, 9832, 9782, 3599, 9840 of 2003 -  
(With office report)

Date: 27/10/2004 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s)

Mr. Aman Hingorani, Adv.

Ms. Priya Hingorani, Adv.

Ms. Reema Bhandari, Adv.

Mr. Rakesh Chatterjee, Adv.

Mr. Somvir Singh Deswal, Adv.

Mr. M.P. Shorawala, Adv.

in CA 9869 Mr. B.K. Pal, Adv.

in CA 10105 Mr. Jayant Bhushan, Sr. Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mr. Anil Dutt, Adv.

in CA 9787-91, Mr. Nand Lal, Adv.

9783-84, 9806-7, Mr. Dinesh Verma, Adv.

9811-12 & 9785 Ms. Suresh Kumari, Adv.

for Mr. A.P. Mohanty, Adv.

..2/-

in CA 9865Mr. Rajesh K. Sharma, Adv.  
Ms. Shalu Sharma, Adv.

in CA 3599Mr. Manoj Swarup, Adv.

For Respondent(s)  
State Mr. Vinay Kumar Garg, Adv.  
Mr. Anil Kr. Thakur, Adv.  
Ms. Kavita Wadia, Adv.

HUDAMr. Satinder S. Gulati, Adv.  
Dr. Kailash Chand, Adv.

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

Mr. Aman Hingorani, learned counsel for the appellants resumed at 11.30 a.m. and concluded at 11.40 a.m. Then, Mr. Jayant Bhushan, learned Senior counsel made his submissions for five minutes. After that, Mr. Vinay Kumar Garg, learned counsel for the State made his submissions for 10 minutes.  
The appeals are allowed with no costs in terms of the signed order.

Sarita (R.K. Kumar)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 9808 of 2003

Vinod Bansal... Appellant

Versus

State of Haryana and another... Respondents

WITH

Civil Appeal Nos. 9820, 9786, 9828, 9838, 9918, 9874, 9885, 9889, 9846, 9868, 9887, 9869, 9847, 9873, 9880, 9894, 9870, 9916, 9899, 9886, 9917, 9911, 10105, 10090, 9912, 9900, 10103, 9818, 9825, 9897, 9909, 9891-9893, 9888, 9792-9798, 9781, 9824, 9779, 9817, 9803, 9826, 9829, 9827, 9839, 9867, 9881, 9895-9896, 9864, 9831, 9799, 9802, 9823, 9901, 9787-9791, 9783-9784, 9806-9807, 9800-9801, 9836-9837, 9833-9834, 9882, 9842-9843, 9809-9810, 9835, 9821-9822, 9815-9816, 9830, 9871-9872, 9813-9814, 9804-9805, 9883, 9866, 9811-9812, 9865, 9785, 9832, 9782, 3599, 9840 of 2003.

O R D E R

The land to the extent of 486.61 acres in village Mewla Maharajpur, Tehsil and District Faridabad was acquired pursuant to a notification dated 7.9.1992 issued under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short). The Land Acquisition Officer awarded compensatio

n at the rate of Rs.1,96,000/- per acre by the Award dated 8.2.1995. The claimants-land owners, not being satisfied of the amount of compensation so awarded, sought reference under Section 18 of the Act for enhancement of compensation. The reference court, on the basis of the evidence that was placed before it, awarded compensation for the lands acquired at the rate of Rs.325/- per square yard. The claimants as well as the State were not satisfied with the amount of compensation awarded by the reference court. Consequently, both of them filed appeals before the High Court. The learned single Judge of the High Court, on consideration of the material placed on record, in the light of the submissions made on behalf of the parties, passed the order reducing the compensation from Rs.325/- per square yard to Rs.90/- per square yard. The claimants filed appeals before the Division Bench of the High Court. The Division Bench of the High Court by the impugned orders dismissed the appeals. Hence the claimants are before this court in these appeals.

In Civil Appeal Nos. 9787-9791 of 2003 the learned counsel for the respondents seeks permission to delete the proforma respondent No. 3 as he has died. Respondent No. 3 may be deleted. We must make it clear here itself that the respondent-State did not challenge the order made by the High Court, in other words, it accepted the compensation fixed at Rs.90/- per square yard as correct.

A question arose as to whether the certified copies of the sale deeds were admissible in evidence without examining the witnesses in support of the sale deeds having regard to Section 51A of the Act. In Civil Appeal No. 6986 of 1999 titled as Cement Corporation of India vs. Purya and others, a reference was made to a larger Bench in regard to the same question finding some conflict in decisions, i.e., Special Deputy Collector and another vs. Kurra Sambasive Rao and others [(1997) 6 SCC 41] and Land Acquisition Officer and Mandal Revenue Officer vs. V. Narasaiah [(2001) 3 SCC 530]. Other appeals were tagged with Civil Appeal No. 6986 of 1999.

The Constitution Bench of this Court disposed of Civil Appeal No. 6986 of 1999 on 7.10.2004 resolving the conflict of decisions with regard to receiving of certified copies of sale deeds in evidence without examining the vendor or the vendee to prove the original sale deeds. The Constitution Bench in the aforesaid case approved the view taken in Narasaiah's case (supra). In Narasaiah's case this Court held, thus: -

"the words "may be accepted as evidence" in the Section indicated that there is no compulsion on the court to accept such transaction as evidence, but it is open to the court to treat them as evidence. Merely accepting them as evidence does not mean that the court is bound to treat them as reliable evidence. What is sought to be achieved is that the transactions recorded in the documents may be treated as evidence, just like any other evidence, and it is for the court to weigh all the pros and cons to decide whether such transaction can be relied on for understanding the real price of the land concerned."

While approving this view the Constitution Bench in Civil Appeal No. 6986 of 1999 has explained, thus: -

"While it is clear that under Section 51A of the LA Act a presumption as to the genuineness of the contents of the document is permitted to be raised, the same can be relied upon only if the said presumption is not rebutted by other evidence. In the said view of the matter we are of the opinion the decision of this Court in the case of Land Acquisition Officer & Mandal Revenue Officer vs. V. Narasaiah (supra) lays down the correct law."

Although these appeals were tagged with Civil Appeal No. 6986 of 1999, the Constitution Bench did not deal with them stating that it was not necessary for it to decide them as the facts of these cases were different and that these appeals should be placed before an appropriate Bench of this Court for final disposal. It is thus these appeals have come up for final disposal before this Bench.

Since there was conflict of decisions as regards receiving of certified copies of sale deeds in evidence in view of Section 51A of the Act and the position of law not being clear, learned single Judge of the High Court took the view that Section 51A of the Act nowhere provides that certified copy of a registered document not properly proved can be admitted in evidence; Section 51A of the Act only makes a certified copy of the document obtained from the registering officer admissible in evidence without production of their originals; but unless either the vendor or the vendee has been examined as witness to testify not only the consideration paid but also their specific knowledge and the circumstances in which the sale deed came to be executed, nearness to the lands etc., the sale deeds cannot be relied on to determine the market value of the acquired lands. Learned single Judge also held that the learned Additional District Judge had not committed any illegality in saying that the sale deeds were not admissible in evidence.

Having heard learned counsel for the parties and after perusing the orders of the reference court, learned single Judge and the impugned orders, particularly, keeping in view the legal position as to the admissibility of certified copies of sale deeds in evidence in the light of the legal position stated by the Constitution Bench in Civil Appeal No. 6986 of 1999 aforementioned

ned, we are satisfied that the matters are required to be remitted to the reference court for fresh disposal. The reference court has to reappreciate the evidence which it had considered earlier, uninfluenced by observations made in the judgments of the learned single Judge and Division Bench of the High Court, including the certified copies of the sale deeds in the light of the Constitution Bench decision in Civil Appeal No. 6986 of 1999 explaining the position of law in relation to Section 51A of the Act. The parties shall not be permitted either to produce any additional documents or lead any further evidence except rebuttal evidence in regard to certified copies of the sale deeds already produced to the extent indicated in the Constitution Bench judgment aforesaid. The reference court shall not determine the market value less than Rs.90/- per square yard as the State did not file any appeal challenging the market value of lands acquired fixed at Rs.90/- per square yard by the High Court. The impugned orders are accordingly set aside and the matters are remitted to the reference court for fresh disposal in the light of what is stated above. The appeals are allowed accordingly. No costs.

[Shivaraj V. Patil]

.....J.

[B.N. Srikrishna]

.....J.

New Delhi;  
October 27, 2004.