

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1939 OF 2012

UNION OF INDIA . . . APPELLANT (S)

VERSUS

RAM LAL & ORS. . . RESPONDENT (S)

WITH

CIVIL APPEAL NO. 1940 OF 2012

CIVIL APPEAL NO. 1941 OF 2012

CIVIL APPEAL NO. 1944 OF 2012

CIVIL APPEAL NO. 1946 OF 2012

CIVIL APPEAL NO. 1948 OF 2012

CIVIL APPEAL NO. 2208 OF 2012

CIVIL APPEAL NO. 2210 OF 2012

CIVIL APPEAL NO. 3281 OF 2012

CIVIL APPEAL NO. 5510 OF 2012

SPECIAL LEAVE PETITION (C) NO. 937 OF 2013

CIVIL APPEAL NO. 11236 OF 2011

CIVIL APPEAL NO. 11298 OF 2011

CIVIL APPEAL NO. 11297 OF 2011

CIVIL APPEAL NO. 11296 OF 2011

CIVIL APPEAL NOS. 11241-11294 OF 2011

CIVIL APPEAL NO. 11309 of 2011

CIVIL APPEAL NO. 2220 OF 2012

CIVIL APPEAL NOS. 2211-2217 OF 2012

CIVIL APPEAL NOS. 2218-2219 OF 2012

CIVIL APPEAL NO. 2704 OF 2012

CIVIL APPEAL NO. 3369 OF 2012

CIVIL APPEAL NO. 4904 of 2012

CIVIL APPEAL NO. 2156 OF 2013

CIVIL APPEAL NOS. 2154-2155 OF 2013

CIVIL APPEAL NO. 2613 OF 2013

CIVIL APPEAL NO. 2611 OF 2013

CIVIL APPEAL NO. 2610 OF 2013

CIVIL APPEAL NO. 2612 OF 2013

CIVIL APPEAL NO.2944-2946 OF 2014

SPECIAL LEAVE PETITION (C) NO. _____ OF 2015

(Arising out of C.C. No.15257 OF 2014)

SPECIAL LEAVE PETITION (C) NO. _____ OF 2015

(Arising out of C.C. No.16061 OF 2014)

CIVIL APPEAL NO.7026 OF 2012

CIVIL APPEAL NO.7027 OF 2012

CIVIL APPEAL NO.7028 OF 2012

CIVIL APPEAL NO.7029 OF 2012

CIVIL APPEAL NO.7030 OF 2012

CIVIL APPEAL NO.7031 OF 2012

CIVIL APPEAL NO.7032 OF 2012

CIVIL APPEAL NO.7033 OF 2012

O R D E R

1. Civil Appeal No.11296 of 2011 is de-tagged from this batch of matters.
2. Delay, in filing the Special Leave Petition(s), is/are condoned.
3. Delay, in filing the application(s) for substitution, if any, is/are condoned.
4. Application(s) for substitution, if any, is/are allowed.
5. Application(s) for impleadment, is/are rejected.

C.A. Nos.1939, 1940, 1941, 1944, 1946, 1948, 2208, 2210, 3281, 5510 of 2012 and SLP(C) No.937 of 2013

1. These civil appeals and special leave petition are directed against the common judgment and order passed by the High Court of Delhi in a batch of Land Acquisition Appeal cases, dated 07.06.2011, whereby the High Court has partly allowed the appeal and modified the compensation awarded by the Reference Court.

2. Briefly stated, the facts in the present appeals and petition are: the *lis* pertains to the determination of fair market value of lands admeasuring 1536 bigha 10 biswa in village Garhi Mendu, belonging to the claimants/respondents herein. The said land was acquired under Section 11 of the Land Acquisition Act, 1894 (for short, "the Act"), by the appellants/petitioner herein for the public purpose of planned development of Delhi.

3. The said land, along with land in three other villages, namely Khirzahad, Kilolari and Chak Chilla, was notified by the Government *vide* Notification No. F.9(1)/89-L&B(i) issued under Section 4(1) of the Act, dated 23.06.1989. The same was followed by Notification No. F.9(I)/89-L&B/LA(ii)&(iii) issued under Sections 6 and 17 of the Act, dated 20.06.1990. In pursuance of the said Notifications, notices under Sections 9 and 10 of the Act were issued to all interested persons.

4. The Land Acquisition Collector (for short, "the LAC"), took into consideration, Order No.F-9(20)/80-L&B/4313-16, issued by the Delhi Administration regarding fixation of minimum price of agricultural land by the LAC, dated 03.05.1990. In light of the aforesaid policy of the State administration the LAC vide Award No. 13/1992-93, determined the compensation to be awarded at the rate of Rs.27,344/- per bigha along with statutory benefits, dated 19.06.1992.

5. Dissatisfied with the award of the LAC, the respondents herein sought for a reference under Section 18 of the Act for adjudication of the fair market value. It was argued by the claimants that the LAC did not consider, *inter alia*, the potential value of the land, that the revenue estate of the village in which the land was situate was surrounded by posh colonies developed by the Delhi Development Authority and other private colonies, and that all

basic civic amenities were available to the land. The Reference Court, while considering the contentions raised by the parties to the *lis*, took notice of the award of the LAC with regard to land situate in villages Khirzabad, Kilokari and Chak Chilla, dated 19.06.1992. By the said awards, the LAC had awarded compensation at the rate of Rs.27,344/- per bigha along with statutory benefits. It was further noticed, by the Reference Court, that a reference had been sought against the said awards and consequently, taking into consideration the location, potentiality, nature, topography of the said land, the compensation was enhanced to Rs.89,600/- per bigha.

6. Therefore, by a detailed order, the Reference Court came to the conclusion that the rate of compensation assessed by the LAC was not appropriate. The Reference Court concluded, *inter alia*, that in the present matter, the LAC merely

applied the rates on the basis of the policy of the Delhi Administration while assessing the compensation to be awarded to the claimants. It was further observed that there was no evidence led by the appellants/petitioner herein to show that the land in question was distinguishable from the lands similarly situated in villages Khirzabad, Kilokari and Chak Chilla, which were acquired by the same notification dated 22.06.1989, and for the same purpose. In light of the above, the Reference Court enhanced the market value of the acquired land in village Garhi Mendu to Rs. 90,102/- per bigha, vide order dated 07.05.2007.

7. Aggrieved by the order so passed by the Reference Court, the parties approached the High Court of Delhi. The learned Single Judge observed that the land in village Garhi Mendu was on the eastern bank of the river Yamuna, while the land in the villages Kilokari and Khizrabad was on the

western bank of the river. The learned Single Judge was of the view that the said villages were similarly situated and therefore the compensation could not be different. Therefore, relying on the decision of the High Court with regard to villages Khizrabad, Kilokari and Nangli Rajapur, whereby the Court upheld the fair market value of the land in the said villages at the rate of Rs.89,600/- per bigha, the High Court partly allowed the appeal filed by the appellants/petitioner and reduced the compensation awarded by the Reference Court from Rs.90,102/- per bigha to Rs.89,600/- per bigha, vide order dated 07.06.2011.

8. The appellants/petitioner herein, being aggrieved by the impugned order, is before this Court in appeal.

9. We have heard the learned counsel for the parties to the *lis* and also perused the records.

10. Having considered the judgments and orders of the courts below, we are of the opinion that the prayer of the appellants/petitioner herein does not require our consideration and decision. We find no merit in these civil appeals and special leave petition.

11. In view of the above, these civil appeals as well as the special leave petition are dismissed.

Ordered Accordingly.

C.A. Nos.11236, 11298, 11297, 11241-11294, 11309 of 2011, 2220, 2211-2217, 2218-2219, 2704, 3369, 4904 of 2012, 2156, 2154-2155, 2613, 2611, 2610, 2612 of 2013, 2944-2946 of 2014, SLP(C)... C.C. Nos.15257, 16061 of 2014, C.A. Nos.7026, 7027, 7028, 7029, 7030, 7031, 7032 and 7033 of 2012

1. At the time of hearing of these civil appeals and special leave petitions, the learned counsel appearing for the appellants and petitioners herein would bring to the notice of this Court that the facts, as noticed by the High Court while deciding these matters, may not represent the

correct factual situation. In support of their contention they have placed before this Court, various documents, maps, awards, etc.

2. In our considered opinion, these facts, as also the maps and relevant documents, may be brought to the notice of the High Court by the appellant(s)/petitioners herein by filing appropriate review petition(s) before the High Court within thirty days' time from today.

3. If such review petition(s) is/are filed within the time granted by this Court, we request the learned Single Judge to consider the same in accordance with law, but without going into the question of limitation.

4. Further, in the peculiar facts and circumstances of these cases, we permit the appellant(s)/petitioners herein to produce the additional documents, maps, awards, if any, which

are in their possession, before the learned Single Judge along with the said review petition(s).

5. All contentions of the parties are kept open to be agitated before the learned Single Judge.

6. In view of the above, these civil appeals as well as the special leave petitions are disposed of.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

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

.....J.
(ARUN MISHRA)

NEW DELHI,
JANUARY 13, 2015.

ITEM NO.4+21

COURT NO.1

SECTION XIV

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.1939 OF 2012

UNION OF INDIA

...APPELLANT(S)

VERSUS

RAM LAL & ORS.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO. 1940 OF 2012

CIVIL APPEAL NO. 1941 OF 2012

CIVIL APPEAL NO. 1944 OF 2012

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CIVIL APPEAL NO. 3281 OF 2012

CIVIL APPEAL NO. 5510 OF 2012

SPECIAL LEAVE PETITION (C) NO. 937 OF 2013

(With office report)

CIVIL APPEAL NO. 11236 OF 2011

(With I.A. Nos. 5 and 6- application(s) for impleadment)

CIVIL APPEAL NO. 11298 OF 2011

CIVIL APPEAL NO. 11297 OF 2011

CIVIL APPEAL NO. 11296 OF 2011

CIVIL APPEAL NOS. 11241-11294 OF 2011

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SPECIAL LEAVE PETITION (C) NO. _____ OF 2015
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CIVIL APPEAL NO.7026 OF 2012

CIVIL APPEAL NO.7027 OF 2012

CIVIL APPEAL NO.7028 OF 2012

CIVIL APPEAL NO.7029 OF 2012
(With appln. for c/delay in filing substitution application
and substitution)

CIVIL APPEAL NO.7030 OF 2012

(With appln. for c/delay in filing substitution application and substitution)

CIVIL APPEAL NO.7031 OF 2012

CIVIL APPEAL NO.7032 OF 2012

CIVIL APPEAL NO.7033 OF 2012

Date: 13/01/2015 These matters were called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)/
Petitioner(s)

Mr. Rakesh Kumar Khanna, Sr. Adv.
Mr. Surya Kant, Adv.
Ms. Seema Rao, Adv.
Mr. Mohit Nagar, adv.
Mr. Anirudh Anwar, Adv.
Mr. Brijesh Chaudhary, Adv.
Ms. Shefali Jain, Adv.

Mr. Kartar Singh, Adv.
Mr. N.S. Chechi, Adv.
Mr. Sudhir Naagar, Adv.
Mr. Mohit Singh, Adv.

Mr. Bhagwat Pd. Gupta, Adv.
Mr. Rajesh Gupta, Adv.
Mr. Sudhir Naagar, Adv.
Mr. Mohit Singh, Adv.

Mr. Ravindra S. Garia, Adv.

Mr. V. Giri, Sr. Adv.
Mr. Guru Krishna Kumar, Sr. Adv.
Mr. B.P. Gupta, Adv.
Mr. Rajesh Gupta, Adv.

Ms. Ranjeeta Rohtagi, Adv.
Ms. Jaya Khanna, Adv.

Ms. Shobha, Adv.

Mr. Ashwani Bhardwaj, Adv.

Mr. Satpal Singh, Adv.
Mr. R.B. Singh, Adv.

Mr. B. V. Balaram Das, Adv.

For Respondent(s)

Mr. A. Sharan, Sr. Adv.
Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.
For M/s Saharya & Co.

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Mr. A.K. Sanghi, Sr. Adv.
Ms. Rekha Pandey, Adv.
Mr. R.S. Nagar, Adv.
Mr. S.S. Rawat, Adv.
Mr. M.P. Gupta, Adv.
Mr. M.Khairati, Adv.
Ms. Sunita Shrama, Adv.
Mr. D.S. Mahra, Adv.

Mr. B.V. Balaram Das, Adv.

Dr. Surat Singh, Adv.
Mr. Brajesh Kumar Singh, Adv.
Ms. Sudhansu Palo, Adv.

Ms. Suresh Kumari, Adv.
Ms. Divya Mishra, Adv.
Ms. Rekha Singh, Adv.

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

Civil Appeal No.11296 of 2011 is de-tagged
from this batch of matters.

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

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

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

Application(s) for impleadment, is/are rejected.

C.A. Nos.1939, 1940, 1941, 1944, 1946, 1948, 2208, 2210, 3281, 5510 of 2012 and SLP(C) No.937 of 2013

The civil appeals as well as the special leave petition are dismissed in terms of the signed order.

C.A. Nos.11236, 11298, 11297, 11241-11294, 11309 of 2011, 2220, 2211-2217, 2218-2219, 2704, 3369, 4904 of 2012, 2156, 2154-2155, 2613, 2611, 2610, 2612 of 2013, 2944-2946 of 2014, SLP(C)... C.C. Nos.15257, 16061 of 2014, C.A. Nos.7026, 7027, 7028, 7029, 7030, 7031, 7032 and 7033 of 2012

The civil appeals as well as the special leave petitions are disposed of in terms of the signed order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)