

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 18619 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 31117 OF 2017]
[DIARY NO. 11875 OF 2017]

STATE OF PUNJAB & ORS. Appellant(s)

VERSUS

BHAGTA (D) THROUGH LRS & ORS. Respondent(s)

WITH

CIVIL APPEAL NO. 18618 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 31120 OF 2017]
[DIARY NO. 11555 OF 2017]

J U D G M E N T

KURIAN, J.

1. Delay condoned. Leave granted.
2. The appellants are before this Court with certain grievances regarding the compensation awarded by the court in land acquisition proceedings. A batch of similar appeals came up before this Court, i.e. Civil Appeal Nos. 1949-1966 of 2016 & connected matters, when this Court passed the following Judgment :-

"1. All these appeals are filed by the State, aggrieved by the compensation awarded for the lands acquired for the purpose of construction of Ranjit Sagar Dam Project vide Notification dated 07.08.1995 under Section 4(1) of the

Land Acquisition Act, 1894. The Land Acquisition Collector categorized the lands into six categories and awarded compensation, according to the categorization based on the nature and utility of the land.

2. The Reference Court, however, granted a uniform rate of Rs.1,600/- per marla. Aggrieved, the State pursued the appeals before the High Court. The High Court took up the appeal filed against the award in Usha Rani's case as lead case. That appeal had been filed with a delay of 492 days. The High Court declined to condone the delay, though the Court has referred in detail to the affidavit explaining the delay. Without stopping there, the High Court proceeded further and on merits also it was held that the compensation awarded by the Reference Court @ Rs.1,600/- per marla was just, fair and proper. As far as the compensation part is concerned, we find that there is no discussion at all to the basis of the fixation of the compensation by the Reference Court, nor is there any reference to the materials available before the Reference Court for fixation of the compensation. Thus, the appeal by the State in Usha Rani case was dismissed, both on the grounds of limitation and on merits. Hence, the

State is in appeal before this Court.

3. Heard Mr. V.K. Bali, learned senior counsel appearing for the State and the learned counsel appearing for the claimants/respondents. On going through the detailed affidavit filed by the State for condonation of delay of 492 days, we are of the considered view that the High Court should have appreciated the actual reason for the delay. We do not want to deal with the matter any further. Suffice it to say, that the High Court could have given the liberty to the State to take appropriate action against the erring officers, who apparently have caused delay deliberately.

4. Be that as it may, on going through the detailed affidavit filed in support of the condonation of delay of 492 days, we are of the view that the delay is liable to be condoned in the interest of administration of justice. However, we direct the State Government to take appropriate action, in accordance with law, on the officers who caused delay.

5. On going through the merits of the case, as we have already stated above, there is no discussion by the High Court on any of the materials available on record, so as to sustain the compensation of Rs.1,600/- per

marla. For that reason also, these appeals are liable to be allowed by remanding the matters to the High Court for consideration on merits. Since, the case of Usha Rani is followed in all other cases, the rest of the appeals are also liable to be allowed, as above.

6. Accordingly, the impugned orders in all these appeals filed by the State are set aside and the appeals are allowed, as above. The delay in filing the appeal(s) before the High Court in the case of Usha Rani is condoned. The matters are remanded to the High Court with a direction to the High Court to consider the matters afresh on merits.

7. We make it clear that we have not considered any matter on merits and, therefore, the parties are free to take all available contentions before the High Court.

8. Being an acquisition pursuant to the notification issued in 1995, we request the High Court to dispose of the appeals expeditiously and preferably within a period of six months.

9. Till the appeals are disposed of, as above, there shall be no recovery of compensation, if any, already paid to the claimants.

10. There shall be no order as to

costs.

11. Pending application(s), if any, shall stand disposed of."

3. Having regard to the Judgment, as extracted above, we do not think it necessary to issue notice to the respondents, since this case also forms part of the same common order. Accordingly, these appeals are disposed of in terms of the Judgment extracted above.

4. Since no notice has been issued to the respondents, we direct the appellant-State to immediately communicate a copy of this Judgment along with a copy of the appeal to the respondents.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
November 13, 2017.

ITEM NO.19

COURT NO.5

SECTION IV-B

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11875/2017

(Arising out of impugned final judgment and order dated 24-09-2015 in RFA No. 4161/2002 passed by the High Court Of Punjab & Haryana At Chandigarh)

STATE OF PUNJAB & ORS.

Petitioner(s)

VERSUS

BHAGTA (D) THROUGH LRS & ORS.

Respondent(s)

(IA No.39817/2017-CONDONATION OF DELAY IN FILING SLP)

WITH

Diary No(s). 11555/2017 (IV-B)

(IA No.42127/2017-CONDONATION OF DELAY IN FILING)

Date : 13-11-2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Ms. Uttara Babbar, AOR
Ms. Akanksha Choudhary, Adv.
Ms. Bhavana Duhoon, Adv.

For Respondent(s)

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

Leave granted.

The civil appeals are disposed of in terms of the signed non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)