

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4269-4278 OF 2019
(Arising out of SLP(C)Nos.31767-31776/2017)

SARDARA SINGH & ORS. ETC.ETC. ... APPELLANT(S)

VS.

LAND ACQUISITION COLLECTOR,
IMPROVEMENT TRUST, RUPNAGAR & ORS. ... RESPONDENT(S)

WITH

CIVIL APPEAL NOS.4279-4280 OF 2019
(Arising out of SLP(C)Nos.10602-10603/2019 @ D.No.6472/2018)

JARNAIL SINGH & ORS. ... APPELLANT(S)

VS.

PUNJAB STATE THROUGH THE COLLECTOR
/DEPUTY COMMISSIONER & ANR. ... RESPONDENT(S)

J U D G M E N T

UDAY UMESH LALIT, J.

1. Delay condoned in SLP(C)....D.No.6472/2018.
2. Leave granted.
3. In the present cases, three notifications were issued

on 18.6.1993, 25.6.1993 and 2.7.993 under Section 36 of the Punjab Town Improvement Act, 1922 (hereinafter referred to as "the Act"), covering an extent of land admeasuring 24 acres 6 Kanals and 11 marlas. Thereafter, by notification dated 28.4.1994, a scheme under Section 42 of the Act, known as Transport Nagar Scheme, Rupnagar, was sanctioned. The Award was declared on 18.4.1996 and Land Acquisition Collector, Rupnagar, awarded compensation at the following rates for different categories of land :

"Chahi Land	: Rs.2,01,984/- per acre
Barani Land	: Rs.1,00,992/- per acre
Gair Mumkin Land	: Rs.1,39,200/- per acre"

4. On reference being made by the land holders, the District Judge, Rupnagar, awarded compensation @ Rs.6,93,000/- (Rupees Six Lakhs Ninety Three Thousand) per acre besides severance charges vide his Award dated 9.11.2001.

The order had observed as under :

"12..... From the evidence on record, it is apparent that the acquired land is situated on the Chandigarh-Ropar-Nangal National Highway and R.T.P. Colony consisting of 700/800 house is just across the link road on one side and on the other side, there is police lines in which there are about 100 quarters shopping complex Bank School are there in the RTF Colony. There are also shops on both sides of the road leading from Ropar up to the land acquired. The land of village Kotla Nihang falls behind the police lines. 132 KV Colony of PSEB is also situated near the acquired land."

and

13. The then learned District Judge, Rupnagar has already assessed market value of the acquired land for Bela Road part-II Scheme through copy of Award Ex.P3 at the rate of Rs.5,25,000/- per acre. The land involved in the said case was low lying area as whole of the rainy and other water of Rupnagar town flows towards the said land. As per discussion made above, the land acquired in the present case is on better footing and has great potential value than that of land acquired for Bela Road, Part-II, Development Scheme. The land in the said case was acquired through Notification dated 12.4.1989. Whereas the material date of determining the market value of the acquired land in the present case is 18.6.1993. Thus, there was a difference of 4 years between the two notifications. Though in 1994 (4) P.L.R. 243 (supra), the price rise between two dated of notifications was allowed at the rate of 12% per annum, but in view of the potential value and proximity of the land acquired in the present case, the price rise between the two dates of notifications is allowed at the rate of 8% per annum. Therefore, I hold that the present claimant is entitled to receive compensation of the acquired land at the flat rate of Rs.6,93,000/- per acre as it is situated within the municipal limits of Rupnagar and cannot be taken as Agricultural land."

5. The matter was carried further by the land holders by filing Civil Writ Petition No.2718/2002 in the High Court of Punjab and Haryana at Chandigarh. The Improvement Trust, being aggrieved by the enhanced rate of compensation awarded by the District Judge, also filed writ petitions. The High Court by its judgment and order dated 26.11.2011 quashed the Award dated 9.11.2001 on the ground that the matter had to be decided by the Tribunal headed by the District Judge and not by the District Judge alone. The matters were therefore remanded to the Land Acquisition Tribunal, Rupnagar, for fresh consideration.

6. Post remand, the District Judge by his order dated 1.2.2014 awarded compensation at the following rates :

"Chahi Land @ : Rs.2,69,312/- per acre
 Barani Land @ : Rs.1,34,656/- per acre
 Gair Mumkin Land @ : Rs.1,85,600/- per acre"

7. The matters again reached the High Court by way of challenges at the instance of the land holders and the High Court by its judgment and order dated 9.2.2017 modified the decision of the Land Acquisition Tribunal, Rupnagar and assessed the compensation @ Rs.2,69,312/- (Rupees Two Lakhs Sixty Nine Thousand Three Hundred & Twelve) per acre irrespective of the categories of land. Thus, the compensation was awarded at a flat rate by the High Court. This decision is presently under challenge.

8. Mr. Neeraj Kumar Jain, learned senior counsel, principally relied upon the fact that in respect of acquisition of certain land coming from an adjoining village where the acquisition was initiated in the year 1989, compensation was awarded @ Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand) per acre. This aspect was highlighted before the Land Acquisition Tribunal and the submission was noted in the Award dated 1.2.2014 as under :

"13. The counsel for the applicants have relied upon the award passed by the High Court in RFA No.291 of 1989. The copy of the same is |Ex.P-1, vide which the land of Kotla Nihang was acquired vide notification dated 20.3.1985 and the Hon'ble High Court was pleased to award compensation to the appellants at the rate of Rs.4,84,000/- per acre. The applicants have

also placed on record copy of award passed in consolidated land reference lead case No.141 of 24.9.1993 decided on 25.4.1998 by the Court of Shri S.S. Grewal, District Judge, Rupnagar Ex.P-2 and Ex.P-3, vide which the applicants were granted enhanced amount of compensation regarding the land of village Haveli Khurd acquired vide notification dated 12.4.1989 and in that case, the applicants were granted compensation at the rate of Rs.5,25,000/- per acre for the acquired land."

9. What emerges therefore is that in respect of lands coming from Kotla Nihang, which were acquired vide notification dated 20.3.1985, the compensation was awarded @ Rs.4,84,000/- (Rupees Four Lakhs Eighty Four Thousand) per acre and in respect of lands which were acquired from village Haveli Khurd vide notification dated 12.4.1989 the compensation was awarded @ Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand) per acre. Mr. Jain relied upon the site map appended at page 178 of the paper book to bring home the point that these two villages are adjoining to the village, with which we are presently concerned.

10. Mr. S.C. Pathela, learned counsel appearing for Respondent-Improvement Trust, submitted that the site plan, on which reliance was placed, was never exhibited before the Courts below and as laid down by this Court in Manoj Kumar Vs. State of Haryana & Ors., (2018) 13 SCC 96, the rate awarded in previous acquisitions ought not to be readily relied upon. We have gone through the decision of this Court in Manoj Kumar (supra). In our view, the observations in the said case were made in the context of

the peculiar facts of the matter.

11. The fact that the acquisition in the aforesaid two villages was relied upon before the Land Acquisition Tribunal is quite evident from the discussion as aforesaid. The location and the potential of the lands under acquisition and their proximity with the lands from Kotla Nihang and Haveli Khurd was the basis of computation in the Award dated 9.11.2001 which was set aside purely on a technical ground. The rates awarded in respect of those acquisitions were Rs.4,85,000/- (Rupees Four Lakhs Eight Five Thousand) and Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand) per acre. The acquisitions were of the years 1985 and 1989. We are presently concerned with acquisitions which were initiated pursuant to notifications issued in the year 1993.

12. In our view, the compensation as awarded in respect of these two villages is a pointer which cannot be disregarded. The extent of land involved in the present matters is 25 acres of land which was to be used for Transport Nagar Scheme, essentially an urban requirement. We, therefore, rely upon rate of Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand) per acre, as awarded in the year 1989 to be the base rate to arrive at the appropriate compensation for the acquisition in 1993, i.e., after four years. In the circumstances, in our view, the appellants are entitled to 6% cumulative increase over the base rate

of Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand) irrespective of the category of land is awarded to the land holders.

13. The working of compensation on the basis of such base rate, is as under :

PRINCIPAL	INTEREST	TOTAL AMOUNT
1st Year Rs.5,25,000	+ 31,500	= 5,56,500/-
2nd Year Rs.5,56,500	+ 33,390	= 5,89,890/-
3rd Year Rs.5,89,890	+ 35,393	= 6,25,283/-
4th Year Rs.6,25,283	+ 37,517	= 6,62,800/-

14. We allow these appeals and declare that the appellants are entitled to compensation in respect of lands in present acquisition at the rate of Rs.6,62,800/- (Rupees Six Lakhs Sixty Two Thousand Eight Hundred only) per acre and statutory benefits on the basis of such rate. No costs.

.....J.
[UDAY UMESH LALIT]

.....J.
[INDU MALHOTRA]

New Delhi;
24th April, 2019.

ITEM NO.2

COURT NO.8

SECTION IV-B

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

Petition(s) for Special Leave to Appeal (C) No(s).31767-31776/2017

(Arising out of impugned final judgment and order dated 09-02-2017 in CWP Nos.722/2015, 5869/2014, 6070/2014, 6069/2014 and 6074/2014 and dated 02-06-2017 in RA-CW No.284/2017 (O&M) in CWP No.722/2015, RA-CW No.290/2017 (O&M) in CWP No.5869/2014, RA-CW No.295/2017 (O&M) in CWP No.6070/2014, RA-CW No.296/2017 (O&M) in CWP No. 6069/2014 and RA-CW No.294/2017 (O&M) in CWP No.6074/2014 passed by the High Court Of Punjab & Haryana At Chandigarh)

SARDARA SINGH & ORS.ETC.ETC.

Petitioner(s)

VERSUS

LAND ACQUISITION COLLECTOR, IMPROVEMENT TRUST,
RUPNAGAR & ORS.

Respondent(s)

WITH

SLP(C)NOS.....@ Diary No(s).6472/2018 (IV-B)
(With appln. for c/delay in filing SLPs)

Date : 24-04-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Aniket Jain, Adv.
Mr. Siddharth Jain, Adv.
Mr. Umang Shankar, AOR

Mr. Dinesh Verma, Adv.
Mr. Rajat Sharma, Adv.
Mr. Subhashish Bhowmick, Adv.
for Mr. S.L. Aneja, AOR

For Respondent(s) Mr. S.C. Pathela, Adv.
for Mr. Yash Pal Dhingra, AOR

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

Delay condoned in SLP(C)....D.No.6472/2018.

Leave granted.

The appeals are allowed with no costs in terms of the signed non-reportable judgment.

(Rajinder Kaur)
Branch Officer

(Sarita Purohit)
AR-cum-PS

(Signed Non-reportable judgment is placed on the file)