

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6229 OF 2022

(Arising from SLP(Civil) No. 7984 of 2019)

Amanullah Khan

...Appellant

Versus

The State of Haryana and Another

...Respondents

WITH

CIVIL APPEAL NO. 6252 OF 2022

(Arising from SLP(Civil) No.15639 of 2022 @
Diary No. 772/2020)

CIVIL APPEAL NO. 6265 OF 2022

(Arising from SLP(Civil) No.15660 of 2022 @
Diary No. 26336/2019)

CIVIL APPEAL NO. 6254 OF 2022

(Arising from SLP(Civil) No. 15643 of 2022 @
Diary No. 1580/2020)

CIVIL APPEAL NO. 6253 OF 2022

(Arising from SLP(Civil) No. 15641 of 2022 @
Diary No. 1132/2020)

CIVIL APPEAL NOS. 6244-6248 OF 2022

(Arising from SLP(Civil) Nos.15627-15631of 2022 @
Diary No. 29405/2019)

CIVIL APPEAL NOS. 6242-6243 OF 2022

(Arising from SLP(Civil) Nos.15625-15626of 2022 @
Diary No. 17894/2021)

CIVIL APPEAL NO. 6250 OF 2022

(Arising from SLP(Civil) No. 15633 of 2022 @
Diary No. 28025/2021)

CIVIL APPEAL NO. 6249 OF 2022

(Arising from SLP(Civil) No. 15632 of 2022 @
Diary No. 28111/2021)

CIVIL APPEAL NO. 6235 OF 2022
(Arising from SLP(Civil) No.15611of 2022 @
Diary No. 7681/2022)

CIVIL APPEAL NO. 6230 OF 2022
(Arising from SLP(Civil) No. 12211 of 2019)

CIVIL APPEAL NO. 6240 OF 2022
(Arising from SLP(Civil) No. 15620 of 2022 @
Diary No. 12599/2019)

CIVIL APPEAL NOS. 6238-6239 OF 2022
(Arising from SLP(Civil) Nos.15618-15619 of 2022 @
Diary No. 13345/2019)

CIVIL APPEAL NO. 6231OF 2022
(Arising from SLP(Civil) No. 12212 of 2019)

CIVIL APPEAL NO. 6241 OF 2022
(Arising from SLP(Civil) No.15622 of 2022 @
Diary No. 13864/2019)

CIVIL APPEAL NOS.6259-6260 OF 2022
(Arising from SLP(Civil) Nos.15648-15649 of 2022 @
Diary No. 16833/2019)

CIVIL APPEAL NO. 6261 OF 2022
(Arising from SLP(Civil) No.15650 of 2022 @
Diary No. 16837/2019)

CIVIL APPEAL NO. 6262 OF 2022
(Arising from SLP(Civil) No.15651 of 2022 @
Diary No. 19083/2019)

CIVIL APPEAL NO. 6232 OF 2022
(Arising from SLP(Civil) No. 18217 of 2019)

CIVIL APPEAL NO. 6263 OF 2022
(Arising from SLP(Civil) No.15652 of 2022 @
Diary No. 33594/2019)

CIVIL APPEAL NOS. 6257-6258 OF 2022
(Arising from SLP(Civil) Nos.15646-15647 of 2022 @
Diary No. 38987/2019)

CIVIL APPEAL NO. 6237 OF 2022
(Arising from SLP(Civil) No. 15613 of 2022 @
Diary No. 43048/2019)

CIVIL APPEAL NOS.6255-6256 OF 2022
(Arising from SLP(Civil) Nos.15644-15645 of 2022 @
Diary No. 2160/2020)

CIVIL APPEAL NO. 6233 OF 2022
(Arising from SLP(Civil) No. 2769 of 2020)

CIVIL APPEAL NO. 6234 OF 2022
(Arising from SLP(Civil) No.2770 of 2020)

CIVIL APPEAL NO. 6264 OF 2022
(Arising from SLP(Civil) No.15653 of 2022 @
Diary No. 28062/2020)
CIVIL APPEAL NO. 6236 OF 2022
(Arising from SLP(Civil) No.15612 of 2022 @
Diary No. 194/2021)
CIVIL APPEAL NO. 6251 OF 2022
(Arising from SLP(Civil) No. 15638 of 2022 @
Diary No. 7351/2021)

ORDER

M.R. SHAH, J.

1. All these appeals pertain to the compensation payable for the lands acquired under three different notifications dated 7.4.1986, 5.6.1992 and 3.7.1995 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act') for the lands situated in village Ajronda, District Faridabad, State of Haryana.
2. Vide notification dated 7.4.1986 issued under Section 4 of the 1894 Act, the State of Haryana sought to acquire land ad-measuring 6.97 acres situated in village Ajronda, District Faridabad, Haryana for development and utilisation thereof as Green Belt on the west of Delhi – Mathura Road. The Land Acquisition Officer vide his award dated 30.03.1989 determined the market value of the acquired land at Rs. 3,38,800/- per acre. At the instance of the landowners, references were made under Section 18 of the 1894 Act. The Reference Court

determined the market value of the acquired land at Rs. 435/- per square yard.

2.1 Vide notification dated 5.6.1992 issued under Section 4 of the 1894 Act, the State of Haryana sought to acquire land ad-measuring 7.81 acres situated in village Ajrona, District Faridabad, Haryana for development and utilisation thereof for semi-public use including institutional use for educational, medical, defence and administrative purposes in Sector 20-B, Faridabad. The Collector vide his award dated 2.6.1995 determined the market value of the acquired land at Rs. 4,50,000/- per acre. The Reference Court enhanced the amount of compensation to Rs. 392.50 per square yard.

2.2 Vide notification dated 3.7.1995 issued under Section 4 of the 1894 Act, the State of Haryana sought to acquire the land ad-measuring 98.66 acres situated in village Ajrona, District Faridabad, Haryana for commercial, institutional, recreational and residential purposes. The Collector vide his award dated 29.6.1998 determined the market value of the acquired land at Rs. 5,85,000/- per acre. The Reference Court enhanced the amount of compensation to Rs. 400/480 per square yard.

2.3 The judgment(s) and award(s) passed by the Reference Court were the subject matter of appeals at the instance of the landowners as well as the State of Haryana before the High Court. By the impugned common

judgment and order, the High Court has determined the market value of the acquired land at Rs. 435/- per square yard with respect to notification dated 7.4.1986; at Rs. 566/- per square yard with respect to notification dated 5.6.1992 and at Rs. 795/- per square yard with respect to notification dated 3.7.1995.

3. Feeling aggrieved and dissatisfied with the impugned common judgment and order passed by the High Court, the original landowners have preferred the present appeals and have prayed for enhancement of the amount of compensation.

4. Learned counsel appearing on behalf of the respective appellants – original landowners – claimants have heavily relied upon the decision of this Court dated 11.03.2019 passed in Civil Appeal No. 2736 of 2019 and other allied civil appeals by which with respect to the very notifications dated 7.4.1986, 5.6.1992 and 3.7.1995 and with respect to the lands acquired of the very village/s, this Court has determined the compensation at Rs. 435/- per square yard with respect to the lands acquired under notification dated 7.4.1986; at Rs. 860/- and Rs. 1210/- per square yard for the lands acquired under notifications dated 5.6.1992 and 3.7.1995 respectively. Therefore, it is prayed to enhance the amount of compensation at par with all those other landowners whose lands have been acquired under the same notifications.

5. Learned counsel appearing on behalf of the State of Haryana is not in a position to dispute the above. However, has opposed the appeals on the ground of delay in preferring the appeals.

6. At the outset, it is required to be noted that vide orders dated 5.9.2022, the delay in preferring the appeals has been condoned by this Court, subject to rider that the appellants-claimants shall not be entitled to the statutory benefits including interest on the enhanced amount of compensation for the period between the date of the judgments of the High Court till the respective appeals have been preferred before this Court. Even otherwise, considering Section 28A of the 1894 Act, the claimants similarly situated whose lands have been acquired under the same notifications shall be entitled to the enhanced amount of compensation at par with the other landowners whose lands have been acquired under the same notifications. Therefore, keeping in mind Section 28A of the 1894 Act, this Court condoned the delay, however, on condition to deny the statutory benefits/interest on the enhanced amount of compensation from the date of the judgment of the High Court till the respective appeals have been preferred before this Court, considering the interest of the State and to see that there is no additional burden of statutory benefits/interest on the State for no fault of the State.

7. Now so far as the merit of the appeals is concerned, it is not in dispute that with respect to the lands acquired under the same

notifications dated 7.4.1986, 5.6.1992 and 3.7.1995, this Court vide a detailed judgment and order dated 11.03.2019 passed in Civil Appeal No.2736 of 2019 (Balwant Singh (D) through Lr. Gurbinder Singh v. The State of Haryana) and other allied appeals, has determined the compensation @ Rs. 435/- per square yard for the land acquired under notification dated 7.4.1986; @ Rs. 860/- and Rs. 1210/- per square yard for the lands acquired under notifications dated 5.6.1992 and 3.7.1995 respectively. Therefore, the appellants herein – landowners – claimants also shall be entitled to the same compensation as determined by this Court, as in the case of appellants also the lands have been acquired under the same notifications dated 7.4.986, 5.6.1992 and 3.7.1995.

8. In view of the above and for the reasons stated above and following the judgment and order passed by this Court in the case of ***Balwant Singh (D) through Lr. Gurbinder Singh (supra)***, all these appeals are partly allowed. Accordingly, the judgment/s of the High Court is/are modified and the claimants of the land acquired under notification dated 7.4.1986 shall be entitled to the compensation @ Rs. 435/- per square yard. The claimants of the land acquired under notifications dated 5.6.1992 and 3.7.1995 shall be entitled to compensation @ Rs. 860/- and Rs. 1210/- per square yard respectively. The landowners shall be entitled to all other statutory benefits under the 1894 Act. However, as observed hereinabove and as observed while

condoning the delay in preferring the appeals, it is directed that the claimants shall not be entitled to the statutory benefits including interest under the Land Acquisition Act, 1894 on the enhanced amount of compensation from the date of the impugned judgment/s of the High Court till the respective appeals have been preferred before this Court. All these appeals are partly allowed to the aforesaid extent. However, in the facts and circumstances of the case, there shall be no order as to costs.

.....J.
[M.R. SHAH]

NEW DELHI;
SEPTEMBER 08, 2022.

.....J.
[KRISHNA MURARI]