

Phoolo And Ors. Etc. Etc. vs State Of Haryana And Ors. Etc. Etc. on 9 January, 2020

Bench: Mohan M. Shantanagoudar, R. Subhash Reddy

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Petition(s) 18585/2016	CIVIL APPEAL for Special Leave	NO(S).152-159/2020 to Appeal (C)	No(s)
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PHOOLLO AND ORS. ETC. ETC.

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VERSUS

STATE OF HARYANA AND ORS. ETC. ETC.

Re

WITH

C.A. NO. 160-163/2020 @ SLP(C) No. 33901-33904/2016, C.A. NO. 164/
2020 @ SLP(C) No. 32115/2016, C.A. NO.165/2020 @ SLP(C) No.
1797/2017, C.A. NO.166/2020 @ SLP(C) No. 11363/2018.

O R D E R

Leave granted.

These appeals are filed seeking enhancement of compensation.

The land of the appellants was acquired by the respondents in villages Rathdana and Bandepur situated near Sonapat, Haryana for the construction of a Sewage Treatment Plant. The notification under Section 4 of the Land Acquisition Act, 1894 was issued on 04.02.1994 and the declaration under Section 6 was issued on 28.07.1994. The Land Acquisition Officer passed an award on 25.09.1995 granting compensation @ Rs.1.5 lakhs per acre in respect of Rathdana village and Rs.1.75 lakhs per acre for Bandepur village. The Reference Court enhanced the compensation to Rs.2 lakhs per acre uniformly to all the lands belonging to both the villages. The High Court further enhanced the compensation to Rs.4,69,480/- per acre.

Mr. S.N. Bhat, learned counsel appearing on behalf of the appellants while taking us through the material on record contended that the market value of the land in question ought to have been assessed at Rs.10 lakhs per acre. He mainly relied upon the admissions made by RW-1, 2 and 4 (witnesses for the State) who have deposed that the approximate value of the land in question might be between Rs.6 lakhs to Rs.10 lakhs.

We find that the lands in question had potential to be used for commercial purposes. They are situated in the vicinity of the Sonapat-Narela-Delhi Road, where some factories, shops, houses, godowns of the Food Corporation of India, old-age homes and other industrial as well as commercial establishments were already existing at the time of the notification under Section 4 of the Act.

From the aforementioned facts, it is clear that the lands in question had non-agricultural potentiality and are situated near Sonapat Town. Though Mr. S.N. Bhat, learned counsel tries to contend that certain nearby lands were acquired and were granted compensation at Rs.10 lakhs per acre, such contention is not supported by the documents on record. Be that as it may, RW-1 in his deposition had admitted that the lands in question could have fetched Rs.7 lakhs to Rs.8 lakhs per acre, RW-2 had deposed that at the time of acquisition of the lands, the prevalent rate of the same was about Rs.8 lakhs/Rs.10 lakhs per acre, and RW-4 deposed that the rate prevalent was Rs.6 lakhs or Rs.7 lakhs per acre. Though the evidence of these witnesses cannot be taken to be gospel truth, since those witnesses are examined by the authority/State, the admissions they have made, which pertain to the approximate value of the land, cannot be lightly brushed aside. Unfortunately, neither the Reference Court nor the High Court have even adverted to these admissions of the respondents' witness. Having regard to the totality of the facts and circumstances of these cases, we are of the opinion that the interest of justice would be met in case the compensation is fixed at Rs.5.5 lakhs per acre. Ordered accordingly. It is needless to mention that the enhanced compensation shall carry all the statutory benefits.

The appeals are accordingly disposed of.

.....J. [MOHAN M. SHANTANAGOUDAR]J. [R. SUBHASH REDDY] NEW DELHI;

JANUARY 09, 2020.

ITEM NO.24

COURT NO.12

SECTION IV-B

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (C) No(s). 18578-18585/2016

(Arising out of impugned final judgment and order dated 13-01-2016 in RFA No. 3541/2001 13-01-2016 in RFA No. 3542/2001 13-01-2016 in RFA No. 3543/2001 13-01-2016 in RFA No. 3544/2001 13-01-2016 in RFA No. 4247/2001 13-01-2016 in RFA No. 5435/2001 13-01-2016 in RFA No. 3984/2001 13-01-2016 in RFA No. 3986/2001 passed by the High Court Of Punjab & Haryana At Chandigarh) PHOOLO AND ORS. ETC. ETC. Petitioner(s) VERSUS STATE OF HARYANA AND ORS. ETC. ETC. Respondent(s) WITH SLP(C) No. 33901-33904/2016 (IV-B) (and IA No. 67331/2017 - DELETING THE NAME OF RESPONDENT and IA No. 70790/2017-VAKALATNAMA AND MEMO OF APPEARANCE and IA No. 70793/2017-XTRA and IA No. 73063/2017-XTRA) SLP(C) No. 32115/2016 (IV-B) SLP(C) No. 1797/2017 (IV-B) SLP(C) No. 11363/2018 (IV-B) Date : 09-01-2020 These petitions were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR HON'BLE MR. JUSTICE R. SUBHASH REDDY For Petitioner(s) Mr. Anshuman Ashok, AOR Mr. Aditya Singh, AOR Mr. Satpal Khatri, Adv.

Mr. S. N. Bhat, AOR Mr. N.P.S. Panwar, Adv.

Mr. Daya Krishan Sharma, AOR Mr. Rohit Vats, Adv.

Mr. Sunita Sharma, Adv.

For Respondent(s) Dr. Monika Gusain, AOR Mr. Abhinash Jain, Adv.

Mr. Manpreet Kaur Bhalla, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR) (R.S. NARAYANAN) COURT MASTER (SH) COURT MASTER (NSH) (Signed order is placed on the file)