

Balbir Chand & Ors vs State Of Punjab & Anr on 7 December, 2010

Bench: R.V. Raveendran, A.K. Patnaik

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2275-2292 OF 2005

BALBIR CHAND & ORS.

.....APPELLANTS

Versus

STATE OF PUNJAB

.....RESPONDENT

WITH

CIVIL APPEAL NO. 3708 OF 2006

JASWANT SINGH & ORS.

.....APPELLANTS

Versus

STATE OF PUNJAB & ANR.

.....RESPONDENTS

O R D E R

Certain lands belonging to the appellants, situated in the villages of Neelpur and Sayedkheri in Tehsil Rajpura, District Patiala, were acquired as additional land for grain market in pursuance of preliminary notification dated 2.9.1981. The Land Acquisition Collector had awarded compensation at the rate of Rs.50,000/- per acre for chahi land, Rs.30,000/- per acre for gair mumkin land and Rs.4000/- per acre for barani land. The Reference Court increased the compensation to Rs.1,00,000/- per acre for chahi land and Rs.60,000/- per acre for other types of land. The High Court affirmed the same by judgment dated 17.3.2004. The appellants, not being satisfied with the compensation awarded, have filed these appeals by special leave.

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2. The only submission made by the appellants is that the adjoining lands in both the villages were acquired for the very same purpose, namely, grain market in pursuance of preliminary notification dated 2.5.1980, that is about one year and four months prior to the present acquisition. In regard to the said acquisition, the reference Court had awarded Rs.1,00,000/- for chahi land and Rs.60,000/- for other types of land. That was challenged by the land owners and the High Court by judgment dated 19.8.1994 awarded Rs.1,70,000/- per acre for all types of lands. It is not in dispute that the said judgment attained finality as the same was accepted by the State of Punjab.

3. The lands which are the subject matter of the present acquisition, it is not disputed, are adjacent to the lands that were acquired in pursuance of notification dated 2.5.1980 and for the same purpose. They are similarly situated. We are, therefore, of the view that the market value of Rs.1,70,000/- per acre determined in the said case should form the basis for awarding the compensation in these cases. As there is a difference of more than a year between the two acquisitions and having regard to the fact that the lands are in a rural area, we are of the view that increase of compensation by 10% over3.

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the earlier acquisition would meet the ends of justice. Accordingly, we determine the market value as Rs.1,87,000/- per acre.

4. In view of the above, the appeals are allowed in part increasing the compensation to Rs.1,87,000/- per acre. The appellants will be entitled to the statutory benefits and interest in terms of the Land Acquisition Act, 1894. Parties to bear their respective costs.

.....J. (R.V. RAVEENDRAN) New Delhi;J. December 07, 2010. (A.K. PATNAIK)