

Rama Nand vs State Of Haryana on 4 August, 2008

Equivalent citations: AIRONLINE 2008 SC 404, AIRONLINE 2008 SC 319

Bench: B. Sudershan Reddy, S.H. Kapadia

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4819 OF 2008
(Arising out of S.L.P.(C) No.16984/2005)

Rama Nand

...Appellant(s)

Versus

State of Haryana

...Respondent(s)

WITH

CIVIL APPEALS NOS.4821 TO 4879 OF 2008
(Arising out of S.L.P.(C) Nos.17043, 17046, 16999, 16990, 17132, 17053, 17054, 17160, 17166, 17148, 17125, 17158, 17162, 17122, 17167, 17187, 17178, 17293, 17351, 17381, 17406, 17372, 17436, 17382, 17447, 17369, 18251, 17626, 16918, 19017, 19658, 20108-20109, 20153-20175, 26164, 26144 of 2005 and 2656 OF 2006)

ORDER

Delay condoned. Substitution allowed.

Leave granted.

The appellants are the claimants under the Land Acquisition Act. The lands in question stood acquired for development of industrial Sector No.58, Faridabad.

The main controversy in the present case is that in the entire judgment of the reference court, the discussion relates to lands acquired for development of Industrial Sector No.59 pursuant to the notification dated 10th June, 1988. There is no discussion in the context of Sector No.58. In matter of valuation, courts are required to consider relevant instances. In the present case, the entire ..2/-

CA....@ SLP(C) 16984/05 etc. contd..

discussion by the Reference Court proceeds in the context of Section No.59 and, therefore, we find merit in the contention advanced on behalf of the appellant herein that his claim cannot be decided on the basis of sale instances concerning the acquisition of the lands in industrial Sector No.59.

There is a First Appeal pending in the High Court but that First Appeal also relates to Sector No.59. The High Court has merely copied extracts from the judgment of the Reference Court.

For the afore-stated reasons, we set aside the impugned judgment of the High Court in the present case and we remit the matters to the Reference Court for deciding the rate of compensation payable to the appellants herein in the context of Sector No.58, Faridabad. We make it clear that we have not gone into the merits of the case in the sense that we have not examined any of the sale instances pertaining to Section No.58. It would be open to the Reference Court to examine the matter de novo in accordance with law and any observations made herein will not come in its way. It would be open to the Reference Court to consider relevant sale instances and the proximity of the lands, if at all, to the lands in Section No.59. We express no opinion on that aspect of the case.

...3/-

CA....@ SLP(C) 16984/05 etc. contd..

Before concluding, we quote herein-below our order dated 25th August, 2005:

"Counsel for the petitioners states that so far as the petitioners in these special leave petitions are concerned, there is no consideration of their case by the learned Single Judge or by the Division Bench. He further states that so far as Sector 58 is concerned, he is not claiming compensation on the basis of what may be awarded in respect of the land acquired in Sector 59."

On a bare reading of the said order, it is clear that the appellants will not claim compensation on the basis of what is awarded in respect of the lands acquired for development of Sector 59. This aspect is important because the appellants have made it clear before this Court by way of an affidavit that they will claim compensation only on the basis of the value of the land in Sector 58 and in that regard they have to adduce evidence before the Reference Court. Therefore, the rate of Rs.165/- awarded by the Reference Court earlier will not be binding on either parties and the Reference Court is free to decide the market value de novo in accordance with law. The said rate of Rs.165/- is set aside.

...4/-

CA....@ SLP(C) 16984/05 etc. contd..

Civil Appeals are disposed of accordingly. No order as to costs.

.....J. (S.H. KAPADIA)J. (B. SUDERSHAN REDDY) New Delhi, August 04, 2008.