

Jasarvinder Singh & Ors vs President Land Acquisition & Ors on 9 November, 2012

Equivalent citations: AIRONLINE 2012 SC 397

Author: G. S. Singhvi

Bench: Sudhansu Jyoti Mukhopadhaya, G.S. Singhvi

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7800-7802 OF 2012

Jasarvinder Singh and others

...Appellants

versus

President, Land Acquisition Tribunal and others

...Respondents

J U D G M E N T

G. S. Singhvi, J.

1. Feeling dissatisfied with the market rate fixed by the Division Bench of the Punjab and Haryana High Court in respect of their land acquired by Ludhiana Improvement Trust (for short, 'the Trust'), the appellants have filed these appeals.

2. The appellants' land was part of big chunk of land acquired by the Trust for implementing "100 Acres Development Scheme". Notification under Section 36 of the Punjab Town Improvement Act, 1922 (for short, 'the 1922 Act') was issued on 11.8.1972 and objections were invited against the scheme. The State Government accorded sanction vide Notification dated 18.9.1973 issued under Section 42 of the Act. The Land Acquisition Collector divided the acquired land into two Blocks, i.e. 'Block A' and 'Block B' and fixed market value of land comprised in 'Block A' at the rate of Rs.113 per biswansi (Rs.15 per sq. yard). For the land comprised in Block 'B', he fixed market value at the rate of Rs.75 per biswansi (Rs.10 per sq. yard).

3. The Land Acquisition Tribunal, Ludhiana (for short, 'the Tribunal') to which the Collector made reference under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act') relied upon sale

deed dated 24.12.1970 (Exhibit A-12) by which 400 sq. yards land was sold for a sum of Rs.11,600 and award Exhibit AA-1 passed in the case of N. S. Sodhi v. Land Acquisition Collector and determined the amount of compensation at the rate of Rs.39 per sq. yard for the land falling in 'Block A' and Rs.31 per sq. yard for the land falling in 'Block B'.

4. The appellants challenged the award of the Tribunal in Writ Petition Nos. 1599/1986, 14072/1989 and 14075/1989. The Trust also filed writ petitions questioning the award of the Tribunal.

5. The Division Bench of the High Court dismissed the writ petitions filed by the Trust and partly allowed those filed by the appellants and other land owners. The Division Bench also relied upon Exhibits A-12 and AA-1 and held that the landowners are entitled to compensation at a flat rate of Rs.39 per sq. yard.

6. Learned counsel for the appellants argued that while fixing market value of the acquired land by relying upon the award passed in the case of N. S. Sodhi, the High Court committed an error by not granting adequate increase in the value of land. He pointed out that the land which was subject matter of the award passed in the case of N. S. Sodhi was acquired in 1970 whereas the appellants' land was acquired vide Notification dated 11.8.1972 and argued that market rate of the appellants' land should have been increased by 12%. Learned counsel for the Trust fairly conceded that the determination made by the High Court has not been challenged by the Trust and that the land, which was subject matter of the award passed in the case of N. S. Sodhi had been acquired in 1970.

7. We have considered the respective submissions. It is not in dispute that the appellants' land is similar to that of N.S. Sodhi, who was awarded compensation at the rate of Rs.39/- per sq. yard. It is also not in dispute that N.S. Sodhi's land was acquired sometime in 1970. Therefore, the High Court should have, keeping in view the law laid down by this Court in *Ranjit Singh v. U.T. of Chandigarh* (1992) 4 SCC 659, *Land Acquisition Officer v. Ramanjulu* (2005) 9 SCC 594 and *Krishi Utpadan Mandi Samiti v. Bipin Kumar* (2004) 2 SCC 283 granted the benefit of notional increase in market value of the acquired land. Similar view has been expressed in *Sardar Jogendra Singh v. State of U.P.* (2008) 17 SCC 133, *Revenue Divl. Officer-cum-LAO v. Sk. Azam Saheb* (2009) 4 SCC 395, *ONGC Ltd. v. Rameshbhai Jivanbhai Patel* (2008) 14 SCC 745 and *Valliyammal v. Special Tahsildar (Land Acquisition)* (2011) 8 SCC 91.

8. By applying the ratio of the above referred judgments, we hold that the appellants are entitled to the benefit of increase at the rate of 12% per annum. In other words, they are entitled to compensation at the rate of Rs.48.36 per sq. yard which deserves to be rounded off to Rs.49.

9. In the result, the appeals are allowed and it is declared that the appellants are entitled to compensation at the rate of Rs.49 per sq. yard. The Trust is directed to pay the enhanced amount of compensation with other statutory benefits including solatium and interest to the appellants and/or their representatives within a period of four months by getting demand drafts prepared in their names.

.....J. [G.S. SINGHVI]J.
[SUDHANSU JYOTI MUKHOPADHAYA] New Delhi, November 09, 2012.