

JAGJIT SINGH AND OTHERS ETC. ETC.

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v.

STATE OF PUNJAB AND ANOTHER ETC. ETC.

(Civil Appeal Nos. 5337-5434 of 2022)

AUGUST 26, 2022

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[M. R. SHAH AND B. V. NAGARATHNA, JJ.]

Land Acquisition – Compensation – Enhancement of – Held: While determining the compensation by the impugned common judgment and order/s, the High Court relied upon its earlier decisions in the cases of Surjit Singh & Kapoor Singh – Aforesaid decisions of the High Court were the subject matter of appeals before Supreme Court wherein the compensation was further enhanced – Landowners in the present appeals are also similarly situated – Accordingly, the amount of compensation payable to the landowners is enhanced to Rs.1,00,000/- per acre in all the appeals where the High Court has relied upon its earlier decision in the case of Kapoor Singh – In Civil appeal arising out of the impugned judgment and order passed by the High Court passed in RFA No. 4975/2010 in which the High Court has relied upon its earlier decision in the case of Surjit Singh, the amount of compensation payable to the landowners is enhanced to Rs. 2,00,000/- per acre – Further, original landowners shall be entitled to solatium as prescribed under the statute on the enhanced amount of compensation from the date of orders passed by the High Court – However, they shall not be entitled to interest from the date of the orders passed by the High Court till filing of the appeals before Supreme Court.

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Kapoor Singh v. State of Punjab & Another Etc. and Surjit Singh v. State of Punjab & Anr. Etc. Common order of Supreme Court dtd. 15.01.2014 passed in Civil Appeal Nos. 738-748/2014 and Civil Appeal No. 363/2013 – relied on.

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Surjit Singh v. State of Punjab & Another Decision of High Court dtd. 2.3.2009 in RFA No. 3004/2006; Kapoor Singh v. The State of Punjab & Another Decision of High Court dtd. 28.01.2010 in RFA No. 2348/1998 – referred to.

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A CIVIL APPELLATE JURISDICTION: Civil Appeal Nos. 5337-5434 of 2022.

From the Judgment and Order dated 28.01.2010 in RFAs Nos.1612, 1616, 1618, 2319, 2632, 2669 of 2000, 277, 280, 317, 327, 328, 1307, 1309, 1310, 1312, 1313, 1316, 1377, 1379, 1452, 1719, 1983, 1984, 2133, 2137, 2150, 2154, 2159, 2182, 2183, 2221, 2224, 2225, 2226, 2280, 2315, 2957, 2958, 3352, 3412, 3555, 4158, 4249, 4311, 4628, 5164, 5784 of 2001, 338, 666, 816, 1370, 2872, 3257, 3259, 3265, 3294, 4201 of 2002, 2426, 4550 of 2003, 2932 of 2005, 1828 of 2007, 1298, 1302, 1424 of 2009, dated 18.05.2010 in RFAs No.1434, 4648 of 2001, 3603 of 2002, 2427, 2666 of 2003, 2490 of 2004, 501 of 2005, 3447 of 2006, dated 07.03.2012 in RFAs Nos.5138, 5139, 5590, 5591, 5597, 5715, 5733, 5787 of 2001, 205, 207, 933, 1936, 2492, 2550, 4194 of 2002, 1054, 1079, 1470, 1472, 1546, 2480, 2787, 3279, 4258 of 2003, dated 12.08.2013 in RFAs No.2948 of 2007 and dated 02.08.2013 in RFA No.4975 of 2010 of the High Court of Punjab and Haryana at Chandigarh.

D Vinay Kumar Garg, Sr. Adv., Naresh Kaushal, K. S. Rekhi, Subhasish Bhowmick, Advs. for the Appellants.

Ms. Uttara Babbar, Ms. Ranjeeta Rohatgi, Advs. for the Respondents.

E The Judgment of the Court was delivered by

M. R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned common judgment(s) and order(s) dated 28.01.2010/18.05.2010/07.03.2012 passed in the respective first appeals, dated 12.08.2013 in RFA No. 2948/2007 and dated 2.8.2013 passed in RFA No. 4975/2010, the particulars of which are as under,

Sl.No.	Particulars	RFA No.	Date of Order	Section 4 Notification date
01	Jagjit Singh & Ors. v. State of Punjab & Anr.	1612/2000	28.01.2010	12.11.1992
02	Bhag Singh & Anr. v. State of Punjab & Ors.	1616/2000	28.01.2010	12.11.1992
03	Naranjan Singh (D) through Joginder Singh & Ors. v. State of Punjab & Ors.	1618/2000	28.01.2010	12.11.1992
04	Amarjit Singh v. State of Punjab & Ors.	2319/2000	28.01.2010	12.11.1992

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05	Gian Singh v. State of Punjab & Others	2632/2000	28.01.2010	12.11.1992	A
06	Kuldip Singh v. State of Punjab & Anr.	2669/2000	28.01.2010	12.11.1992	
07	Kharaiti Ram v. State of Punjab & Ors.	277/2001	28.01.2010	12.11.1992	
08	Mehar Singh v. State of Punjab	280/2001	28.01.2010	12.11.1992	B
09	Kamaljit Kaur v. State of Punjab & Ors.	317/2001	28.01.2010	12.11.1992	
10	Amrik Singh v. State of Punjab	328/2001	28.01.2010	12.11.1992	
11	Desa Singh & Ors. v. State of Punjab & Ors.	1307/2001	28.01.2010	12.11.1992	C
12	Thakur Dass v. State of Punjab & Ors.	1309/2001	28.01.2010	12.11.1992	
13	Daljit Singh & Ors. v. State of Punjab & Anr.	1310/2001	28.01.2010	12.11.1992	
14	Mohinder Singh v. State of Punjab	1312/2001	28.01.2010	12.11.1992	D
15	Jagir Singh v. State of Punjab & Anr.	1313/2001	28.01.2010	12.11.1992	
16	Dalbag Singh & Ors. v. State of Punjab	1316/2001	28.01.2010	12.11.1992	
17	Amarjit Singh v. State of Punjab & Ors.	1377/2001	28.01.2010	12.11.1992	E
18	Mehar Singh & Anr. v. State of Punjab & Anr.	1379/2001	28.01.2010	12.11.1992	
19	Gurnam Singh & Anr. v. State of Punjab & Ors.	1452/2001	28.01.2010	12.11.1992	
20	Mohinder Singh v. State of Punjab & Ors.	1719/2001	28.01.2010	12.11.1992	F
21	Gian Singh v. State of Punjab & Ors.	1983/2001	28.01.2010	12.11.1992	
22	Surinder Pal Singh & Anr. v. State of Punjab & Ors.	1984/2001	28.01.2010	12.11.1992	
23	Dharam Singh v. State of Punjab	2133/2001	28.01.2010	12.11.1992	G
24	Bachan Singh (D) through Lr. Jaswinder Singh v. State of Punjab & Ors.	2137/2001	28.01.2010	12.11.1992	
25	Pargat Singh & Anr. v. State of Punjab & Anr.	2150/2001	28.01.2010	12.11.1992	
26	Paramjit Singh & Anr. v. State of Punjab & Ors.	2154/2001	28.01.2010	12.11.1992	H
27	Sohan Singh & Ors. v. State of Punjab & Ors.	2159/2001	28.01.2010	12.11.1992	
28	Lakbir Singh v. State of Punjab	2182/2001	28.01.2010	12.11.1992	
29	Purni v. State of Punjab & Ors.	2183/2001	28.01.2010	12.11.1992	
30	Hukam Singh & Anr. v. State of Punjab	2221/2001	28.01.2010	12.11.1992	
31	Achhra Singh v. State of Punjab & Anr.	2224/2001	28.01.2010	12.11.1992	
32	Jarnail Kaur & Anr. V. State of Punjab	2225/2001	28.01.2010	12.11.1992	
33	Kaka Singh v. State of Punjab & Ors.	2226/2001	28.01.2010	12.11.1992	
34	Rajinder Singh v. State of Punjab & Ors.	2280/2001	28.01.2010	12.11.1992	
35	Smt. Palo v. State of Punjab	2315/2001	28.01.2010	12.11.1992	

A	36	Gurjit Singh & Ors. v. State of Punjab & Ors.	2957/2001	28.01.2010	12.11.1992
	37	Gurcharan Singh v. State of Punjab & Ors.	2958/2001	28.01.2010	12.11.1992
	38	Dayal Singh v. State of Punjab & Anr.	3352/2001	28.01.2010	12.11.1992
	39	Sher Singh & Ors. v. State of Punjab & Ors.	3412/2001	28.01.2010	12.11.1992
B	40	Shamsher Singh & Ors. v. State of Punjab	3555/2001	28.01.2010	12.11.1992
	41	Kulwant Singh & Ors. v. State of Punjab & Ors.	4158/2001	28.01.2010	12.11.1992
	42	Dayal Singh v. State of Punjab & Ors.	4249/2001	28.01.2010	12.11.1992
	43	Harbans Singh v. State of Punjab & Anr.	4311/2001	28.01.2010	12.11.1992
C	44	Gurmukhi Singh & Ors. v. State of Punjab & Anr.	4628/2001	28.01.2010	12.11.1992
	45	Din Dayal Verma v. State of Punjab & Ors.	5784/2001	28.01.2010	12.11.1992
	46	Surinder Pal Singh & Anr. v. State of Punjab & Ors.	338/2002	28.01.2010	12.11.1992
	47	Norang Singh v. State of Punjab & Ors.	666/2002	28.01.2010	12.11.1992
D	48	Sadhu Singh & Anr. V. State of Punjab & Ors.	816/2002	28.01.2010	12.11.1992
	49	Jit Singh v. State of Punjab & Ors.	2872/2002	28.01.2010	12.11.1992
	50	Karnail Singh (D) through Lrs. Kuldip Singh & Ors. v. State of Punjab	3257/2002	28.01.2010	12.11.1992
	51	Karnail Singh (D) through Lrs. Surjit Singh & Anr. V. State of Punjab	3259/2002	28.01.2010	12.11.1992
E	52	Rajinder Singh v. State of Punjab & Ors.	3265/2002	28.01.2010	12.11.1992
	53	Mohan Singh & Ors. v. State of Punjab & Anr.	3294/2002	28.01.2010	12.11.1992
	54	Mohinder Singh v. State of Punjab & Anr.	1054/2002	28.01.2010	12.11.1992
	55	Shamsher Singh & Ors. v. State of Punjab & Anr.	1079/2003	28.01.2010	12.11.1992
F	56	Mehar Singh v. State of Punjab	1470/2003	28.01.2010	12.11.1992
	57	Charan Singh (D) through Lrs. Kuldip Singh & Ors. v. State of Punjab & Anr.	1472/2003	28.01.2010	12.11.1992
	58	Gian Singh & Ors. v. State of Punjab & Ors.	1546/2003	28.01.2010	12.11.1992
	59	Karnail Singh & Anr. v. State of Punjab & Anr.	327/2001	28.01.2010	12.11.1992
G	60	Karnail Singh v. State of Punjab & Ors.	4550/2003	28.01.2010	12.11.1992
	61	Labh Singh & Ors. v. State of Punjab & Ors.	2932/2005	28.01.2010	12.11.1992
	62	Hernai Singh & Anr. V. State of Punjab	3447/2006	18.05.2010	12.11.1992
	63	Malkit Singh v. State of Punjab & Ors.	1828/2007	28.01.2010	12.11.1992
H	64	Jagdish Singh v. State of Punjab & Ors.	1298/2009	28.01.2010	12.11.1992
	65	Gurmail Singh v. State of Punjab & Anr.	1302/2009	28.01.2010	12.11.1992

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66	Daljit Singh v. State of Punjab & Anr.	5164/2001	28.01.2010	12.11.1992
67	Mehar Singh v. State of Punjab & Anr.	1424/2009	28.01.2010	12.11.1992
68	Gurmail Singh & Ors. v. State of Punjab & Ors.	1434/2001	18.05.2010	12.11.1992
69	Mohinder Singh & Ors. v. State of Punjab & Ors.	4648/2001	18.05.2010	12.11.1992
70	Sohan Singh & Ors. v. State of Punjab & Ors.	3603/2002	18.05.2010	12.11.1992
71	Nachhatar Kaur v. State of Punjab & Anr.	4201/2002	18.05.2010	12.11.1992
72	Sadhu Singh & Anr. V. State of Punjab & Anr.	2426/2003	18.05.2010	12.11.1992
73	Amrik Singh & Anr. V. State of Punjab	2427/2003	18.05.2010	12.11.1992
74	Bant Singh & Ors. v. State of Punjab & Ors.	2666/2003	18.05.2010	12.11.1992
75	Harnai Singh & Anr. V. State of Punjab	2490/2004	18.05.2010	12.11.1992
76	Gurmit Singh v. State of Punjab & Anr.	501/2005	18.05.2010	12.11.1992
77	Kuldip Singh v. State of Punjab	5138/2001	07.03.2012	14.06.1993
78	Sadhu Singh & Anr. V. State of Punjab & Ors.	5139/2001	07.03.2012	14.06.1993
79	Amrik Singh v. State of Punjab	5590/2001	07.03.2012	14.06.1993
80	Sadhu Singh & Anr. V. State of Punjab	5591/2001	07.03.2012	14.06.1993
81	Jit Singh v. State of Punjab	5597/2001	07.03.2012	14.06.1993
82	Shamsher Singh & Ors. v. State of Punjab	5715/2001	07.03.2012	14.06.1993
83	Achhra Singh & Ors. v. State of Punjab & Anr.	5733/2001	07.03.2012	14.06.1993
84	Labh Singh & Ors. v. State of Punjab & Ors.	5787/2001	07.03.2012	14.06.1993
85	Talok Singh v. State of Punjab	205/2002	07.03.2012	14.06.1993
86	Kaka Singh v. State of Punjab & Ors.	207/2002	07.03.2012	14.06.1993
87	Desa Singh & Ors. v. State of Punjab & Ors.	933/2002	07.03.2012	14.06.1993
88	Sarabjit Singh & Ors. v. State of Punjab & Ors.	1370/2002	07.03.2012	14.06.1993
89	Tarlochan Singh & Ors. v. State of Punjab & Ors.	1936/2002	07.03.2012	14.06.1993
90	Kaka Singh & Ors. v. State of Punjab & Ors.	2492/2002	07.03.2012	14.06.1993
91	Mohinder Singh & Ors. v. State of Punjab	2550/2002	07.03.2012	14.06.1993
92	Baljit Singh & Anr. V. State of Punjab & Ors.	4194/2002	07.03.2012	14.06.1993
93	Jawala Singh & Ors. v. State of Punjab & Anr.	2480/2003	07.03.2012	14.06.1993
94	Lakhmir Singh & Ors. v. State of Punjab & Ors.	2787/2003	07.03.2012	14.06.1993
95	Dilbagh Singh & Anr. v. State of Punjab & Ors.	3279/2003	07.03.2012	14.06.1993
96	Sadhu Singh & Anr. V. State of Punjab & Ors.	4258/2003	07.03.2012	14.06.1993
97	Kamljit Singh v. State of Punjab	2948/2007	07.03.2012	14.06.1993
98	Paramjit Kaur & Ors. v. State of Punjab & Ors.	4975/2010	02.08.2013	21.02.2000

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A determining/awarding the compensation for the acquired lands in question at Rs. 7,80,000/- per acre, the original landowners have preferred the present appeals.

2. At the outset, it is required to be noted that while determining the amount of compensation @ Rs. 7,80,000/- per acre in the respective first appeals except RFA No. 4975/2010, the High Court has relied upon its earlier decision in the case of ***Kapoor Singh v. The State of Punjab & Another (RFA No. 2348/1998 decided on 28.01.2010)***. So far as Civil Appeal arising out of impugned judgment and order passed by the High Court dated 2.8.2013 in RFA No. 4975/2010 is concerned, the High Court has determined the compensation at Rs. 19,85,700/- per acre, relying upon its earlier decision in the case of ***Surjit Singh v. State of Punjab & Another (RFA No. 3004/2006 decided on 2.3.2009)***.

3. It is not in dispute that the aforesaid decisions of the High Court in the cases of ***Kapoor Singh (supra) & Surjit Singh (supra)*** were the subject matter of appeals before this Court and in the case of ***Kapoor Singh (supra)*** and other allied first appeals, this Court has enhanced the amount of compensation by a further amount of Rs.1,00,000/- and Rs. 2,00,000/- per acre in the case of ***Surjit Singh (supra)***, payable by the Greater Mohali Area Development Authority with interest and solatium as prescribed under the Statute from the date of the orders passed by the High Court (**vide common order dated 15.01.2014 passed in Civil Appeal Nos. 738-748/2014 – Kapoor Singh v. State of Punjab & Another Etc. and Civil Appeal No. 363/2013 – Surjit Singh v. State of Punjab & Anr. Etc.**).

4. It is not in dispute that the landowners in the present appeals are similarly situated. As observed hereinabove, while determining the compensation by the impugned common judgment and order/s, the High Court has relied upon its earlier decisions in the cases of ***Kapoor Singh (supra) & Surjit Singh (supra)*** respectively. Therefore, the present appeals are also required to be disposed of in terms of the decision of this Court in the cases of ***Kapoor Singh (supra) & Surjit Singh (supra)***, by enhancing the amount of compensation by a further sum of Rs.1,00,000/- per acre and Rs. 2,00,000/- per acre respectively. However, there is a substantial delay in preferring the first appeals. Therefore, we deem it appropriate to deny the interest on the enhanced amount of compensation from the date of the judgment and order/s passed by the

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High Court till the present appeals (special leave petitions) are preferred before this Court. A

5. In view of the undisputed facts, all these appeals are partly allowed. Accordingly, we enhance the amount of compensation payable to the landowners to Rs. 1,00,000/- per acre in all these appeals where the High Court has relied upon its earlier decision in the case of **Kapoor Singh (supra)** except Civil appeal arising out of the impugned judgment and order passed by the High Court passed in RFA No. 4975/2010 in which the High Court has relied upon its earlier decision in the case of **Surjit Singh (supra)**. We enhance the amount of compensation payable to the landowners to Rs. 2,00,000/- per acre in Civil Appeal arising out of the impugned judgment and order passed by the High Court in RFA No. 4975/2010. It is also ordered that the original landowners shall be entitled to solatium as prescribed under the statute on the enhanced amount of compensation from the date of orders passed by the High Court. However, the original landowners – claimants shall not be entitled to interest from the date of the orders passed by the High Court till filing of the appeals before this Court. The enhanced amount of compensation shall be deposited by the Greater Mohali Area Development Authority within three months from today before the Reference Court. B C D

6. All these appeals are accordingly disposed of in the aforesaid terms. However, in the facts and circumstances of the case, there shall be no order as to costs. E