

Supreme Court of India

Ajit Singh vs State Of Punjab on 18 March, 1994

Equivalent citations: 1994 SCC (4) 67, JT 1994 (2) 700

Author: S Mohan

Bench: Mohan, S. (J)

PETITIONER:

AJIT SINGH

Vs.

RESPONDENT:

STATE OF PUNJAB

DATE OF JUDGMENT 18/03/1994

BENCH:

MOHAN, S. (J)

BENCH:

MOHAN, S. (J)

KULDIP SINGH (J)

CITATION:

1994 SCC (4) 67 JT 1994 (2) 700

ACT:

HEADNOTE:

JUDGMENT:

The Judgment of the Court was delivered by S.MOHAN, J.- These civil appeals raise the question of award of compensation under the Land Acquisition Act of 1894 (hereinafter referred to as the 'Act'). The respondent, State of Punjab issued a notification under Section 4 on October 4, 1978 for acquisition of land measuring 284 kanals and 9 marlas situated in the Revenue Estate of Village Daulatpur, Pathankot. The public purpose of acquisition was for construction of godowns by the Central Warehousing Corporation. The Land Acquisition Collector awarded compensation at the rate of Rs 330 per marla besides solatium at the rate of 15 per cent and interest at the rate of 6 per cent from November 4, 1978 to the date of actual payment. Not being satisfied with the same, the appellants preferred application for references under Section 18 of the Act. On reference the learned Additional District Judge enhanced the compensation from Rs 330 per marla to Rs 700. To such of those claimants like the appellants who had received the amount of compensation as per the award without any protest, this enhancement was denied.

2. Thereupon, the appellants preferred Regular First Appeal No. 447 of 1982 to the High Court of Punjab and Haryana. The learned Single Judge was of the view that two sale deeds Exhs. A-6 and R-6 would provide the necessary data. Exh. A-6 dated January 14, 1977 covers 7 marlas of land situated at a distance of about 50 yards from the suit land. The sale consideration thereunder was Rs 700. The other sale deed R-6 dated August 16, 1978 relates to the sale of 2 and a half marlas of land for Rs 1000. The area covered by the sale deed lies at a distance of just 20 feet from the suit + From the Judgment and Order dated 9-7-1984 of the Punjab and Haryana High Court in Regular First Appeal No. 447 of 1982 land. Based on this, the fixation of Rs 700 per marla was upheld. In this view, he dismissed the appeal.

3. The only point urged before us in this case is that there is enough evidence to establish the lands were sold for higher value. If the average of these sale deeds is worked out the appellant should be entitled to more than Rs 700 per marla. Even otherwise, on the basis of Exh. A-6 itself, the appellant would be entitled to Rs 1000 per marla. There is no justification in denying the same. The High Court has gone wrong in upholding the order of the learned District Judge under which an average was struck between sale deeds A-6 and R-6. The appellants cannot be denied the benefit of enhancement in view of the application under Section 18 of the Act having been filed.

4. We have carefully considered the above submission. The learned First Additional District Judge in paragraph 14 of his judgment states as follows :

"As already stated above, instance covered by Exhibit A-6 relied upon by the applicants and sale transaction covered by mutation Exhibit R-6 are relevant for making the basis for the assessment of the market value of the acquired land. Vide Exhibit A-6, the rate per marla comes to Rs 1000 whereas Exhibit R-6 gives the value per marla at Rs 400. Clubbing these two sales together, the average per marla comes to Rs 700. In my opinion, this could be the appropriate market value of the acquired land."

It was this finding which has been upheld by the High Court.

5. Having regard to the contiguity of these lands the High Court is correct in its valuation. Besides, the date of notification, issued under Section 4 of the Act, is October 4, 1978 while Exh. R-6 is nearer to it, namely, August 16, 1978, in comparison to Exh. A-6 dated January 14, 1977. Inasmuch as the appellants have filed an application for reference under Section 18 of the Act that will manifest their intention. Therefore, the protest against the award of the Collector is implied notwithstanding the acceptance of compensation. The District Judge and the High Court, therefore, fell into patent error in denying the enhanced compensation to the appellants.

6. Accordingly, we allow the appeals partly and hold that the appellants are entitled to compensation at the enhanced rate as allowed by the District Judge. However, there shall be no order as to costs.