

SHRI JAGDISH SINGH
v.
STATE OF HARYANA AND ORS.

NOVEMBER 1, 1995

[K. RAMASWAMY AND B.N. KIRPAL, JJ.]

Land Acquisition Act, 1894 :

Compensation—Award of—Concurrent finding of fact and Appreciation of evidence by Courts below—Interference by Supreme Court—Held, not warranted.

Constitution of India, 1950 :

Art. 136—Special leave jurisdiction—Concurrent finding of fact and appreciation of evidence—Reappreciation of and interference of—Held not warranted.

The Land Acquisition Officer divided the acquired lands into two blocks i.e. Block 'A' and Block 'B' and awarded Rs. 25,000 per acre for Block 'A' and Rs. 15,000 per acre for Block 'B'. The Reference Court made four Blocks and awarded compensation @ Rs. 10 per sq. yard and proportionately decreased the value for the other blocks. On appeal, the High Court awarded compensation at uniform rate of Rs. 10 per sq. yard. Hence this appeal.

On behalf of the appellant it was contended that the value of the land being much more than what was given, he was entitled to get higher compensation and that the appellant had constructed a house at a cost of Rs. 20,000 but only a sum of Rs. 6,000 was awarded and therefore, he was entitled to higher compensation.

Dismissing the appeal, this Court

HELD : 1. Whether the land is capable of fetching higher market value than @ Rs. 10 per sq. yard depends on pure appreciation of evidence on record. The reference court and the Single Judge have gone into the question and held that the land can fetch the maximum price of Rs. 10 per sq. yard for the entire zone to the extent of 19 Bighas and 3 Biswas. The

A State Government did not file any appeal in this Court or High Court. It being a pure question of fact on appreciation of evidence, this Court cannot reappreciate the evidence and come to its own conclusion in the absence of application of any wrong principle of law. [716-H, 717-A]

B 2. The plea regarding higher compensation for the house constructed on the land is also based on factual matrix and appreciation of evidence by all the Courts. There is no justification to interfere with the value fixed at Rs. 6,000 for the construction of house. [717-B]

C CIVIL APPELLATE JURISDICTION : Civil Appeal No. 8627 of 1983.

From the Judgment and Order dated 28.11.79 of the Punjab & Haryana High Court in R.F.A. No. 22 of 1979.

K.B. Rohtagi and Baldev Atreya for the Appellant.

D Ms. Surichi Agarwala and Ms. Indu Malhotra for the Respondents.

S.M. Ashri for the Respondent No. 3.

The following Order of the Court was delivered :

E The Land Acquisition Officer divided the land into two Blocks, i.e., Block 'A' and Block 'B' and awarded Rs. 25,000 per acre for Block 'A' and Rs. 15,000 per acre for Block 'B'. The Reference Court made four blocks and awarded compensation @ Rs. 10 per sq. yard for first Block and proportionately decreased the value for the other blocks. On appeal, the
F High Court made the uniform rate of Rs. 10 per sq. yard for entire land and disposed of the appeals accordingly. Feeling aggrieved, the appellant has filed this appeal from that batch by special leave.

G Mr. Rohtagi, learned counsel for the appellant, strenuously contended that the value of the land is much more than what was given and it is a matter where the appellant is entitled to get higher compensation. We do not find any force in this contention. Whether the land is capable of fetching higher market value than @ Rs. 10 per sq. yard depends on pure appreciation of evidence on record. The reference court and learned Single Judge have gone into the question and held that the land can fetch the
H maximum price of Rs. 10 per sq. yard for the entire zone to the extent of

19 Bighas and 3 Biswas. The State Government did not file any appeal in this Court or High Court. It being a pure question of fact on appreciation of evidence, we cannot re-appreciate the evidence and come to our own conclusion in the absence of application of any wrong principle of law. A

It is next contended that the appellant had constructed a house at a cost of Rs. 20,000 but only a sum of Rs. 6,000 was awarded and, therefore, he is entitled for higher compensation. This also is based on factual matrix and appreciation of evidence by all the Courts. We do not think that we would be justified to interfere with the value fixed at Rs. 6,000 for the construction of house. B

The appeal is accordingly dismissed, but, in the circumstances, without costs. C

G.N.

Appeal dismissed.