

A

MANGAT RAM ETC.

v.

STATE OF HARYANA AND ORS.

APRIL 22, 1996

B

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Land Acquisition Act, 1894 :

C

Sections 23(1-A), 30—Compensation—Award of—Enhancement by Additional District Judge and by the High Court—Held, compensation determined allowed to become final in similar cases and hence no interference called for.

D

Apportionment of compensation—Held, tenants entitled to 3/4 and landlord entitled to 1/4.

Col. Sir Harinder Singh Brar Bans Bahadur v. Bihari Lal & Ors. Etc., [1994] 4 SCC 523 and Inder Parshad v. Union of India & Ors., [1994] 5 SCC 239, relied on.

E

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 8879-80 of 1996 Etc.

From the Judgment and Order dated 2.8.93 of the Punjab & Haryana High Court in L.P.A. Nos. 1337 and 1318 of 1988.

F

H.N. Salve, Rajiv K. Garg and N.D. Garg for the Appellants.

Irshad Ahmad for the Respondents.

I.S. Goyal, Ms. Indu Malhotra and Shailendra Bhardwaj for the State.

G

The following Order of the Court was delivered :

Leave granted.

Heard learned counsel for all the parties.

H

The notification under Section 4(1) was published on August 16, for acquiring 49 acres 1 canal 15 marlas of land for establishing a

commercial market of Auto Vehicles and for commercial purposes in A
Sirsa. The Land Acquisition Officer determined the compensation at the
rate of Rs. 25,000 per acre. On reference, the Additional District Judge
enhanced the compensation to Rs. 30,000 per acre. When the matter was
carried in appeal, the learned single Judge enhanced the compensation
to Rs. 27.50 per sq. yd. In L.P.A., the compensation was enhanced to Rs. B
40 per sq. yd.

The Municipal Committee filed appeals arising out of SLP Nos.
23334-35/94 and 20331-32/94. The appeals arising out of SLP Nos. 9046/94,
8448/94 and 7231/94 are filed by the Punjab Wakf Board. The appeals C
arising out of SLP Nos. 535-536/94 are filed by the tenants for the appor-
tionment in a reference under Section 30.

The question is : whether the determination of the compensation
by the High Court is correct in law? It is not in dispute that the Municipal
Committee had not filed any appeal against the enhancement of compen- D
sation by the learned single Judge to the Division Bench. Dissatisfied with
the enhancement of the compensation, the claimants filed L.P.A. and the
Division Bench enhanced the compensation to Rs. 40 per sq. yd. It would
appear that in similar cases, the land situated in similar situation, the
High Court had granted compensation at the same rates and the Division E
Bench reduced the developmental charged from 40% to 33-1/3%.

In view of the fact that in other cases the compensation was deter-
mined at the rate of Rs. 40 per sd. yd. which was allowed to become final,
we decline to interfere with the determination of the compensation by the F
Division Bench of the High Court.

As regards apportionment of the compensation, the High Court has
directed to pay 1/4 to the tenant and 3/4 to the Wakf Board. In view of
the Judgment *Col. Sir Harinder Singh Barar Bans Bahadur v. Bihari Lal*
& *Ors. Etc.*, [1994] 4 SCC 523 and *Inder Parshad v. Union of India &* G
& *Ors.*, [1994] 5 SCC 239, the tenants are entitled to 3/4 of the compensation
while the landlord is entitled to 1/4 of the compensation. In view of the
above law, the order of the High Court in appeals arising from reference
under Section 30 is modified to the extent that appellants/tenants -
Mangat Ram and Ors. are entitled to 3/4th while the Wakf Board is H

A entitled to 1/4th of the compensation amount. The amount awarded in the judgment of the single Judge under Section 23(1-A) also requires to be apportioned accordingly.

The appeals are disposed of. The appeals of R.C. are dismissed. No Costs.

B

G.N.

Appeals disposed of.