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JAGDISH SINGH AND ANR.

v.

UNION OF INDIA AND ANR.

MARCH 29, 1995

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[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

*Land Acquisition Act, 1894:*

C

*Compensation—Determination of—Land of different persons—Acquisition of—No satisfactory evidence to determine compensation land-wise of each claimant—Taking into account municipal limit as the basis—Decreasing the compensation progressively on the basis of increasing distance—Held valid.*

D

*Sections 23(1-A), 23(2) and 28 (As amended by 1984 Act): Benefits under—Entitlement to.*

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For acquisition of a large extent of land comprising of seven villages Notification under section 4(1) of the Land Acquisition Act, 1894 was published on 21.1.1977 and the Collector made his award under section 11 on April 11, 1980. The Reference Court enhanced the compensation on February 9, 1982. On further appeals, the High Court enhanced the compensation between Rs. 57,400 and Rs. 78,000 per acre. As there was no satisfactory evidence to determine the compensation land-wise of each claimant, the High Court took into account the municipal limits as the basis and decreased the rate of compensation progressively on the basis of increasing distance. The appellants who were awarded Rs. 57,400 for their lands filed appeals in this Court claiming higher compensation of Rs. 78,000 per acre on the ground that (i) the High Court has committed grievous error in adopting each village as a measure to determine the compensation and that it should have determined compensation land wise; and (ii) for the acquisition of land in other village which was away from Municipality compensation of Rs. 78,000 per acre was awarded and the appellants were entitled to parity in compensation because their lands were situated very near to abadi and were therefore possessed of more potential value than the land in other villages. On the other hand the State

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did not question enhancement of compensation on merits.

**Dismissing the appeals of the claimants and allowing the State appeals in part, this Court** A

**HELD : The High Court has not committed any error of law warranting interference for further enhancing the market value. However, it has committed manifest error of law in applying Sections 23(1-A), 23(2) and 28 as amended by Act 68 of the 1984 giving enhanced interest and solatium and additional compensation at 12% per annum from the date of the notification till the date of Award or the date of taking possession, whichever is earlier. In cases of present nature, the claimants are not entitled to such benefits. [74-F-G]** B

**CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4341 of 1995 Etc. Etc.** C

**From the Judgment and Order dated 17.9.1987 of the Punjab and Haryana High Court in L.P.A.No. 634 of 1984.**

**S.K. Bagga, Muni Lal Varma, Mrs. S. Bagga, Seeraj Bagga, Y.P. Mahajan for P. Parmeswaran (Ms. Shashi Kiran) (NP), Ranbir Yadav and G.K. Bansal for the appearing parties.** D

**The following Order of the Court was delivered:**

**Delay in filing the Special Leave Petition and substitution applications is condoned. All the substitution applications are allowed.** E

**Leave granted in all the matters.**

**Notification under s.4(1) of the Land Acquisition Act was published in the Gazette on 21.1.1977 acquiring a large extent of land comprising of seven villages, including Kheri Gujran, Bir Kheri Gujran, Haji Majra, Pasiana and Sher Majra in Tehsil and District Patiala for defence purposes. The Collector made his award under s.11 on April 11, 1980. On reference under s.18, the Additional District Judge, Patiala, enhanced the compensation on September 4, 1980 and on February 9, 1982. On further appeals, the High Court enhanced the compensation between Rs. 57,400 to 78,000 per acre. The lands in question relate to Sher Majra. For these lands Rs. 57,400 per acre was awarded. Still not being satisfied, the claimants have filed these appeals claiming compensation at Rs. 78,000 as** F  
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A allowed in respect of village Malo Majra.

B Learned counsel for the appellants contends that the High Court has committed grievous error in adopting each village as a measure to determine the compensation. On the other hand, the court should have adopted land wise and should have determined compensation accordingly. It is further contended that the lands of the appellants are situated very near to residential abadi and that, therefore, their lands are possessed of more potential value than the lands in other villages. Having granted @ Rs. 78,000 for lands in Malo Majra which is also a way from the Patiala Municipality, the appellants are also entitled to compensation on the same parity. We find no force in the contentions. The State did not file appeals questioning enhancement of compensation on merits. So, we are obviated to go into the correctness of the enhancement ordered by the High Court.

D The High Court has adopted a rough and ready evaluation in determination of the compensation. It has taken into account the municipal limits as the basis and decreased the rate of compensation progressively as the distance increases. Here is a case where there is no satisfactory evidence to determine the compensation land-wise of each claimant. Therefore, the High Court, instead of remitting the cases and directing the District Judge to determine the compensation in respect of each of the claimants, has adopted, as stated earlier, a rough and ready method.

F On the totality of the facts and circumstances, we are of the considered view that the High Court has not committed any error of law warranting interference for further enhancing the market value. Section 4(1) notification was published on January 21, 1977, award of the Collector is dated April 11, 1980 and that of the Additional District Judge on February 9, 1982, therefore, it has committed manifest error of law in applying Sections 23(1-A), 23(2) and 28 as amended by Act 68 of 1984 giving enhanced interest and solatium and additional compensation at 12% per annum from the date of the notification till the date of Award or the date of taking possession, whichever is earlier. It is now settled law that in cases of present nature, the claimants are not entitled for the benefits under Sections 32(1-A), 23(2) and 28.

H Accordingly, the appeals of the claimants are dismissed and the

appeals filed by the Union of India are allowed only to the above extent of granting the benefits under the Amended Act 68 of 1984. In the circumstances, parties are directed to bear their own costs throughout. A

T.N.A.

Claimants Appeals dismissed.  
State Appeals allowed.