

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.6409 OF 2009
(@ SLP(C) No.5678 of 2007)**

RANDHIR SINGH

....APPELLANT

VERSUS

STATE OF PUNJAB & ORS.

....RESPONDENTS

WITH

C.A.NO.6471 of 2009 @ SLP(C) NO. 5959 of 2007

C.A.NO.6410 of 2009 @ SLP(C) NO. 5961 of 2007

C.A.NO.6411 of 2009 @ SLP(C) NO. 6036 of 2007

C.A.NO.6412 of 2009 @ SLP(C) NO. 6141 of 2007

C.A.NO.6413 of 2009 @ SLP(C) NO. 6143 of 2007

C.A.NO.6414 of 2009 @ SLP(C) NO. 6173 of 2007

C.A.NO.6415 of 2009 @ SLP(C) NO. 6182 of 2007

C.A.NO.6416 of 2009 @ SLP(C) NO. 6183 of 2007

C.A.NO.6417 of 2009 @ SLP(C) NO. 6184 of 2007

C.A.NO.6418 of 2009 @ SLP(C) NO. 6193 of 2007

C.A.NO.6419 of 2009 @ SLP(C) NO. 6195 of 2007

C.A.NO.6420 of 2009 @ SLP(C) NO. 6246 of 2007

C.A.NO.6421 of 2009 @ SLP(C) NO. 6647 of 2007

C.A.NO.6422 of 2009 @ SLP(C) NO. 6660 of 2007

C.A.NO. 6423 of 2009 @ SLP(C) NO. 9358 of 2007

C.A.NO. 6424 of 2009 @ SLP(C) NO. 9712 of 2007

C.A.NO. 6425 of 2009 @ SLP(C) NO. 9718 of 2007

C.A.NO.6426 of 2009 @ SLP(C) NO. 9229 of 2007

C.A.NO.6427 of 2009 @ SLP(C) NO. 9517 of 2007

C.A.NO. 6428 of 2009 @ SLP(C) NO. 9716 of 2007
 C.A.NO. 6429 of 2009 @ SLP(C) NO. 9227 of 2007
 C.A.NO. 6430 of 2009 @ SLP(C) NO. 9414 of 2007
 C.A.NO. 6431 of 2009 @ SLP(C) NO. 9231 of 2007
 C.A.NO. 6432 of 2009 @ SLP(C) NO. 9407 of 2007
 C.A.NO. 6472 of 2009 @ SLP(C) NO. 9490 of 2007
 C.A.NO. 6433 of 2009 @ SLP(C) NO. 9180 of 2007
 C.A.NO. 6434 of 2009 @ SLP(C) NO. 9209 of 2007
 C.A.NO. 6435 of 2009 @ SLP(C) NO. 9184 of 2007
 C.A.NO. 6436 of 2009 @ SLP(C) NO. 9207 of 2007
 C.A.NO. 6437 of 2009 @ SLP(C) NO. 9208 of 2007
 C.A.NO. 6440 of 2009 @ SLP(C) NO. 9185 of 2007
 C.A.NOs. 6441-6470 of 2009
 @ SLP(C) NO. 2769-2798 of 2008

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties.

These appeals by special leave arise out of
 land acquisition proceedings by which large area of
 land, namely, in 4 villages Gopalpur, Nusi, Nangli
 Viran and Lidhran was sought to be acquired in
 Jalandhar in the State of Punjab by a Notification
 dated 20th of May, 1983 under Section 4 of the Land

Acquisition Act, 1894 (hereinafter referred to as “the Act”) for the public purpose of setting up of a Government Engineering College. The Land Acquisition Collector, by an award dated 7th of March, 1986, assessed the market value of the acquired land at the rate of Rs. 53,560/- per acre in respect of the Chahi land, Barani land at the rate of Rs. 28,500/- per acre and Banjar kadim at the rate of Rs. 14,250/- per acre. The appellants, who are the land owners/claimants, were dissatisfied with the award and filed reference cases under Section 18 of the Act. The Reference Court determined the market value of the acquired land up to a depth of 100 karams situated on the G.T. Road at the rate of Rs. 1,60,000/- per acre and the market value of the remaining land was determined at the rate of Rs. 1,10,000/- per acre. With this determination, the Reference Court also held that the land owners/claimants were also entitled to other statutory benefits as admissible to them in law.

Feeling aggrieved by this determination of the Reference Court made under Section 18 of the Act, appeals were filed before the High Court of Punjab and Haryana, which, by the impugned Judgment, were allowed in part, holding that the market value of the entire acquired land must be assessed at the rate of Rs. 1,60,000/- per acre inter alia on a finding that when the acquired land was having such potential, then adopting of Belting System and classifying the land into two categories i.e. one, upto the depth of 100 karams on the G.T. Road and the remaining land beyond that depth, was not at all justified.

Feeling aggrieved and dissatisfied with the Judgment and order of the High Court, these Special Leave Petitions have been filed by the land owners/claimants, and on the other hand, the State of Punjab were aggrieved by the order passed by the High Court also filed Special Leave Petitions, which on grant of leave, were heard in presence of the learned counsel for the parties.

We have heard the learned counsel for the claimants/appellants and the learned counsel for the

Respondent/State of Punjab. We have also examined the Judgment of the High Court as well as the order of the Reference Court and other materials on record, including the oral and documentary evidence. The only question that was agitated before us by the learned counsel for the claimants/appellants was in respect of the rejection of the application for acceptance of additional evidence filed by the claimants/appellants. It appears that the application for acceptance of additional evidence was filed by the claimants/appellants to admit the Aks Shajra by way of additional evidence. While dealing with the application for acceptance of additional evidence, the learned counsel appearing on behalf of the claimants/appellants had sought to produce Aks Shajra as an additional evidence in the said appeal. While dealing with this aspect of the matter, the High Court observed as follows :-

“Dealing with the question of additional evidence, at the first instance, it must be noticed that the perusal of the aforesaid Aks Shajra clearly shows that the land of Chara Mandi is at quite distance from the present acquired land. There are two canals intervening in between the land acquired for the Chara Mandi and the present acquired land. The land of Chara Mandi is also shown to

be on an intersection of G.T. Road and Jalandhar-Hoshiarpur Road. The present acquired land is not only at quite a distance from the land of Chara Mandi but also cannot be held to be comparable. A perusal of Aks Shajra further shows that the adjacent area to the acquired land of Chara Mandi was covered with factories and houses. A 74.9 acres Transport Nagar Scheme by Improvement Trust Jalandhar was in existence. Industrial Focal Point was also situated nearby. A further perusal of the judgment rendered in Mukesh Kumar's case (supra) shows that the aforesaid land for Chara Mandi was situated within the limits of Jalandhar Municipal Corporation. All these factors show that the land of Chara Mandi is neither comparable nor the assessment of the market value of the aforesaid land is relevant for assessment of the market value in the present appeals. Consequently, I do not find any merit in the prayer made by the appellants to allow the present application for additional evidence. Thus, the application filed by the appellants for additional evidence is disallowed."

In the impugned Judgment itself, the High Court had taken into consideration the application for acceptance of additional evidence and also considered the case of Mukesh Kumar vs. Collector [1987 (2) PLR 370] and on a comparison of the facts in Mukesh Kumar's case (supra) and the present appeals, came to a finding that the facts of Mukesh Kumar's case were totally

different from the facts involved in the present case. After considering the facts on which Mukesh Kumar's case was based, the High Court, in the impugned order, came to the conclusion that the land of Chara Mandi was neither comparable nor the assessment of the market value of the acquired lands was relevant for the assessment of the market value in the present appeals. Therefore, we are of the view that neither the decision in Mukesh Kumar's case nor the facts of the present appeals were similar to that of the same. Hence, we do not find any reason to hold that any enhancement would be possible on the basis of the documents produced by the parties before us.

For the reasons aforesaid, we are of the clear opinion that the High Court has rightly rejected the application for acceptance of additional evidence although in its judgment it discussed the effect of Aks Shajra and concluded that such a document which is sought to be produced is not comparable with the facts of present appeal. No other submission was advanced by the learned counsel for the parties.

In this view of the matter, we do not find any reason to interfere with the impugned order in these appeals. Accordingly, these appeals are dismissed with a direction that the compensation awarded by the High Court shall be paid to the claimants/appellants within two months from this date.

Accordingly, the appeals of the claimants/appellants are dismissed. There will be no order as to costs.

In so far as the appeals of the State of Punjab are concerned, in view of the discussions made hereinabove and in view of the fact that the learned counsel for the respondents also could not satisfy us that the enhancement made by the High Court was in any way, irregular, illegal or arbitrary, we are of the view that the appeals filed by the State of Punjab have no merit also and accordingly, the said appeals are also dismissed.

We find from the record that at the time of issuance of notice in the Special Leave Petition Nos. 2769-2798 of 2008 preferred by the State of Punjab, the State of Punjab was directed to deposit a sum of Rs. 20,000/- as costs and such cost is now lying with the

Registry of this Court. Since we have condoned the delay in filing the appeals of the State of Punjab, we direct that the claimants/respondents should be allowed to withdraw the costs deposited with the Registry of this Court.

With the aforesaid directions, these appeals stand dismissed.

There will be no order as to costs.

Interim order, if any, shall stand vacated.



.....
...J.
[Tarun Chatterjee]

.....J.
[R.M.Lodha]

NEW DELHI:
SEPTEMBER 04, 2009