

NON REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4143 OF 2009
(Arising out of SLP©No.13189 of 2008)

Gram Panchayat Ugra Kheri

...Appellant

VERSUS

State of Haryana & Anr.

..Respondents

(With C.A.No.4144/09 @ SLP©No.13113 of 2008)

J U D G M E N T

TARUN CHATTERJEE, J.

1. Leave granted.
2. These appeals are directed against the judgment and order dated 18th of October, 2006 passed by the High Court of Punjab and Haryana at Chandigarh in RFA Nos.424 and 614 of 2002 by which the award passed under Section 18 of the Land Acquisition Act, 1894 was not interfered with. A perusal of the judgment would show that the first appeals were disposed of by the High Court which are

impugned in this Court on the basis of an award passed in a similar case, namely, **Suresh Kumar & Ors. vs. State of Haryana & Anr.**, in L.A.Case No.123 of 1997, the judgment of the said case was exhibited in this case as Ex.P.1. Relying on the said judgment, the High Court also awarded compensation at the rate of Rs.178.40p. per sq. yard along with statutory benefits under the Land Acquisition Act. At the time of hearing of these appeals, the learned counsel for the appellant has drawn our attention to an order passed by this Court in SLP©No.18825/2008 (Gram Panchayat Malik Ugra Kheri vs. State of Haryana & Anr.) delivered on 4th of May, 2009 by which the same impugned judgment was set aside by this Court and the matter was sent back to the High Court for fresh disposal in accordance with law.

3. Such being the position and in view of the admitted fact that the common judgment which was challenged in the aforesaid case on which the present judgment was delivered by the High Court, namely, Suresh Kumar (supra) has already been set aside by this Court on 4th of May, 2009 in the aforesaid special leave petition, we also set aside the judgment of the High Court and send the case back to the High Court for fresh disposal in accordance with law without going into the matter in detail. The High Court shall decide the same after giving proper hearing to the parties and after passing a speaking and reasoned order in accordance with law. The impugned judgments are, therefore, set aside. The appeals are allowed to the extent indicated above. There will be no order as to costs.

J.

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[Tarun Chatterjee]

New Delhi;
.....J.
July 07, 2009.

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[H.L.Dattu]

