

PETITIONER:
MANGAT RAM ETC.

Vs.

RESPONDENT:
STATE OF HARYANA & ORS. ETC.

DATE OF JUDGMENT: 22/04/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIAK (J)

CITATION:
JT 1996 (5) 470

ACT:

HEADNOTE:

JUDGMENT:
THE 22ND DAY OF APRIL, 1996

Present:

Hon'ble Mr. Justice K. Ramaswamy
Hon'ble Mr. Justice G.B. Pattanaik

H.N. Salve, Sr.-Adv., Rajiv K. Garg and N.D. Garg, Advs.,
with him for the appellants.
Irshad Ahmad, Adv. for the Respondents.
I.S. Goyal, Ms.Indu Malhotra and Shailendra Bhardwaj, Advs.
for the State.

O R D E R

The following Order of the Court was delivered :
Mangat Ram etc.

V.

State of Haryana & Ors. etc.

W I T H

C.A:Nos. 8881-23, 8887, 8885-86 AND 8883-84 OF 1996
(Arising out of SLP(C) Nos.20331-32, 9046, 7231, 8448 and
23334-35 of 1994)

O R D E R

Leave granted.

Heard learned counsel for all the parties.

The notification under Section 4(1) was published on August 16, 1983 for acquiring 49 acres 1 canal 15 marlas of land for establishing a commercial market of Auto Vehicles and for commercial purposes in 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.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 arising out of SLP Nos.535-36/94 are filed by the tenants for the apportionment 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 compensation 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 Bench reduced the developmental charged from 40% to 33 1/3%.

In view of the fact that in other cases the compensation was determined at the rate of Rs.40/- per sq. yd. which was allowed to become final, we decline to interfere with the determination of the compensation by the 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 in Col.Sir Harinder Singh Brar Bans Bahadur vs.Bihari Lal & Ors. etc.[(1994) 4 SCC 523] and Inder Parshad vs. Union of India & 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 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.