

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 58 OF 2005

State of Haryana & Anr.

...Appellant(s)

Versus

Shiv Lal & Ors.

...Respondent(s)

W I T H

**CIVIL APPEALS NO.132, 97, 113, 145, 272, 116, 125,
62-85, 127-131 & 330 OF 2005**

CIVIL APPEALS NOS. 631 TO 677 OF 2009

**(Arising out of S.L.P.(C) Nos.7723/2008, 6209/2007, 2302/2008, 18605/2008, 18606-
18639/2008 & 7066-7074/2008)**

O R D E R

Delay condoned in S.L.P.(C) Nos.18606-639/2008.

Leave granted in Special Leave Petitions.

In this batch of Civil Appeals, the State has filed eleven appeals out of a total of 17 appeals. The remaining appeals have been filed by the claimants for enhancement of compensation.

A short question which arises for determination is - whether belting method is applicable to the acquired lands falling in municipal area abutting the abadi of Rewari?

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Facts in Civil Appeal No.58/2005 in the case of State of Harayana & Anr.

Vs. Shiv Lal & Ors.:

The learned Additional Judge had evolved and applied the belting system to the lands in question categorising/dividing the said lands into three separate and distinct categories. For category 'A', the learned Additional District Judge awarded the rate of Rs.8,00,000/- per acre; for category 'B', he awarded the rate of Rs.7,00,000/- per acre and for category 'C', he awarded the rate of Rs.4,00,000/- per acre. This was challenged by way of First Appeal in which the learned Single Judge of the High Court reduced the above three categories into two categories and, consequently, awarded the rate of Rs.7,04,367/- per acre for category 'A' and Rs.6,00,000/- per acre for category 'B'. Against the decision of the learned Single Judge of the High Court, the matter was carried in L.P.A. which stood dismissed, hence, this Civil Appeal by the State.

The main contention of the State is that the learned Single Judge had erred in reducing the number of categories from three to two. We do not find any merit in this argument for the following reasons:

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Firstly, in the case of Pawan Kumar & Anr. Vs. Land Acquisition Collector (L.P.A.No.387/2001 decided on 15.5.2006), it has been held by the High Court that

belting system is not applicable to municipal areas abutting the abadi. In the said judgment, the Division Bench has held that the land in question falling within the municipal area abutting the abadi had great potential. As stated above, this decision has not been challenged by the State by filing a special leave petition. It has become final. Consequently, two sets of decrees would result – in one set of cases, the claimants would get compensation on the basis of belting system (if the State succeeds in its Civil Appeal) and in the other set of cases, the claimants would get compensation at higher rate on the basis that belting is not applicable. The judgment and decree passed by the High Court in Pawan Kumar's case has now become final as the State has not challenged the said judgment.

Before us, it was argued that if this Court upholds the applicability of the belting system as done by the learned Additional District Judge in the case of State of Haryana Vs. Shiv Lal, then the law declared by the High Court

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C.A.No.58/2005 etc...contd...

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in Pawan Kumar's case would need reconsideration. We do not find any merit in this argument for the simple reason that the judgment and decree passed by the High Court in Pawan Kumar's case has become final. Lastly, it may be pointed out that under the notification issued under the Land Acquisition Act, in these cases, compensation has been unconditionally paid to all the claimants in 2001 and onwards. In the circumstances, on account of inconsistent decrees coming into the field, we do not wish to interfere in the Civil Appeal(s) filed by State of Haryana.

As regards appeal(s) filed by the claimant(s) for enhancement, we find no reason to interfere as the High Court has correctly applied the belting system of valuation to the facts of the case.

Accordingly, all the Appeals and cross appeals are dismissed, with no order as to costs.

**.....J.
(S.H. KAPADIA)**

**.....J.
(H.L. DATTU)**

**New Delhi,
February 03, 2009.**