

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5168 OF 2016
(Arising out of SLP(C) NO. 12067/2016)

ZILE SINGH

.. APPELLANT(S)

VERSUS

STATE OF HARYANA AND ORS.

.. RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Heard the learned counsel for the petitioner.

2. We do not think it necessary to issue notice to the respondents in view of the fact that the matter is covered by the decision of this Court in Civil Appeal Nos. 6343-6356 of 2014, titled *Shanti & Ors. Etc. vs. State of Haryana & Ors.* decided on 02.07.2014. If the respondents are aggrieved by this order, it would be open to them to approach this Court by filing an application so that the case can be

reconsidered by hearing the concerned parties.

3. Leave granted.

4. This appeal has been preferred by the appellant against the judgment dated 03.12.2015 passed by the High Court of Punjab and Haryana at Chandigarh.

5. In the Case of Ashrafi and Others Vs. State of Haryana & Others, (2013) 5 S.C.C. 527, this Court held as under :

“

JUDGMENT

45. There is yet another set of lands forming the subject matter of the appeals arising out of Special Leave Petition © Nos.33637-33638 of 2011, filed by Manohar Singh and others, which are situated in Hansi, District Hisar. The said lands also form the subject matter of several other Special Leave Petitions, which will be covered by the decision in the above-mentioned Special Leave Petitions (now appeals). In the said cases, the

High Court had assessed the compensation payable for the acquired lands at the rate of Rs.805/- per sq. yard along with the statutory sums available under Section 23(1A) of the Land Acquisition Act and solatium on the market value under Section 23(2) thereof. It was also indicated that the land owners would also be entitled to interest as provided under Section 28 of the Act.

46. While deciding the valuation of the lands, the High Court applied a cut of 60% and also took into consideration that the lands in question were small plots, the value whereof was definitely higher than the lands which had been acquired which were much larger in area.

47. In our view, the High Court was justified in taking into consideration the size of the plots, which were exhibited for the purposes of comparison with the size of the plots acquired, but we are unable to uphold the cut of 60%, which has been imposed by the High Court, since the acquired lands are already within developed municipal limits. In these cases also, a cut of one-third the value would be appropriate as in the other cases. Accordingly, we modify the valuation arrived at by the High

Court upon imposing a cut of 60% and direct that the amount of compensation be reassessed upon imposing a cut of 33 1/3 per cent while re-assessing the value of the land."

6. Ashrafi's case was finally disposed of with the following observation:

"57. The decision rendered in the appeals arising out of SLP(C)Nos.33637-33638 of 2011 (Manohar Singh vs. State of Haryana & Anr.) will govern Civil Appeal Nos.3388-3389 of 2011, C.A.No.5206 of 2011, C.A. No.5208 of 2011, C.A. No.5209 of 2011, C.A. No. 5210 of 2011, C.A. No.5211 of 2011, C.A.No.5212 of 2011, C.A. No.5213 of 2011, C.A. No.5214 of 2011, C.A. No.5207 of 2011, C.A. No.5215 of 2011, C.A. No. 5216 of 2011, C.A.Nos.7179-7182 of 2011, SLP(C)Nos. (CC 14220-14221 of 2011), SLP(C)No. (CC 14164 of 2011), SLP(C)Nos.21344-21351 of 2011, SLP(C)Nos.32764-32765 of 2011, SLP(C)Nos.32766-32767 of 2011, SLP(C)Nos.32770-32771 of 2011, SLP(C)Nos. 32772-32773 of 2011, SLP(C)Nos.32790-32791 of 2011, SLP(C)Nos.32792-32793 of 2011, SLP(C)Nos.32796-32797 of 2011, SLP(C)Nos.32798-32799 of 2011, SLP(C)Nos.32801-32802 of 2011 and

SLP(C)Nos.32806- 32807 of 2011."

7. The case of the appellant being similar, we also dispose of this appeal by allowing the same in terms of the judgment delivered in the case of Ashrafi and Others Vs. State of Haryana & Others.



.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

.....J.
[D.Y. CHANDRACHUD]

NEW DELHI,
MAY 13, 2016.