

Gokal

Vs

State of Haryana

Civil Appeal Nos. - of 1991

(S. Ranganathan, V. Ramaswami – II, N. D. Ojha JJ)

10.09.1991

ORDER

1. Leave granted.

2. All these appeals arise out of acquisition of certain lands in the village of Dundahera adjoining Delhi-Gurgaon Road. It is not necessary to set out the facts or figures in great detail because it is common ground that compensation payable in respect of lands in the same village which were acquired on October 31, 1974 came up for consideration of this Court in Paltoo Singh v. State of Haryana [Civil Appeal Nos. 1251-1252 of 1982, decided on April 1, 1982] which were disposed of by this Court on April 1, 1982. This Court, after considering all the facts and circumstances and the details given in the High Court judgments as well as in the judgments of the lower courts came to the conclusion that a compensation of Rs 17.50 per sq. yard would be quite reasonable. Though there are large number of appeals before us it is common ground that there are four dates of acquisition on which these lands have been acquired. The relevant dates of the Section 4 notifications are March 20, 1975, May 26, 1976, September 3, 1976 and January 6, 1978. The only question, therefore, that arises before us is regarding the adjustment that should be made for the difference in these dates of acquisition from the date considered in the earlier order of this Court.

3. We have heard elaborate arguments of counsel and the suggestions made by them as to the quantum of increase that should be given in regard to the compensation. After considering all these arguments and having regard to the fact that there must have been a rise in market prices between 1974 and 1978, we think it is fair and reasonable to fix the following figures of compensation :

#Date of Section 4 Notification/Date	Rate per sq. yard of acquisition
March 20, 1975	22 rupees
May 26, 1976	25 rupees
September 3, 1976	26 rupees
January 6, 1978	30 rupees##

4. We direct that the market value be calculated according to the above rates. The appellants will of course be entitled to solatium and interest in accordance with law.

5. It has been mentioned before us that in some of these cases, court fee has not been paid to cover the entire amount of compensation now awarded. Though formally a petition of amendment of valuation has not been filed, having regard to long lapse of time, we permit the oral request that the claim be amended appropriately and direct that the appellants will be paid the enhanced compensation as calculated above on the payment of court fee in accordance with law.

6. In some of these appeals, there has been the death of some of the appellants and substitution

applications have been filed to bring on record the legal representatives. Delay in filing of the applications is condoned. These applications are allowed. We, however, make it clear that if there is any dispute regarding the legal representative or the claim of compensation, the same may be put forward before the Land Acquisition authorities.

7. The appeals are disposed of accordingly.

</html