

Ranjit Singh and Others

Vs

Union Territory of Chandigarh

S.L.P. (C) Nos. 5053, 7396-7398, 7400-7404. 7405-7408 of 1980

(L. M. Sharma, S. Mohan, N. Venkatachala JJ)

08.09.1992

JUDGEMENT

VENKATACHALA, J.:-

1. We shall deal with S.L.P. (C) Nos. 5053, 7396-98, 7400-7404, 7405-7407 and 7408 of 1980, as they are directed against a common , judgment dated 28-3-1979 of the High Court of Punjab and Haryana rendered in a batch of land acquisition first appeals.

2. An extent of 121.01 acres of land falling in the revenue estate of village Buterla was acquired for development of Sector 41 to be included within the city of Chandigarh pursuant to Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') published in the local Gazette dated December 23, 1974. The Land Acquisition Collector by his award made under Section 11 of the Act classified the acquired lands into several categories having regard to their agricultural utility and determined the market value of each category of lands at rates varying between Rs. 3,000/- an acre and Rs. 18,000/- an acre. On references received under Section 18 of the Act, the Court of the Additional District Judge, Chandigarh, though maintained the categories of the acquired lands, enhanced the market value payable respecting them to rates varying between Rs. 2,500/- an acre and Rs. 4,280/- an acre. The Land Acquisition Collector sought reduction in the market value of the acquired lands determined by the Additional District Judge, Chandigarh by filing appeals in the High Court of Punjab and Haryana. Some of the claimants filing cross-objections in those appeals and some others by filing separate appeals, sought from the High Court grant of further enhanced market value for their.. lands. The High Court disapproved the categorisation which had been made respecting the acquired lands by the Land Acquisition Collector and the Court of the Additional District Judge, Chandigarh and treated all the acquired lands alike because of its view that they had the potentiality for their utility in the construction of residential and non-residential buildings. It also enhanced the market value of all the acquired lands to a uniform rate of Rs. 33,000/-an acre. Consequently, it dismissed the appeals of Land Acquisition Collector and partly allowed the appeals and cross-objections of the claimants, by rendering a common judgment and making separate decrees dated March 28, 1979.

3. Claimants have filed the present Special Leave Petitions seeking from this Court further enhanced market value for their acquired lands. Learned counsel for the petitioners submitted that the petitioner were entitled to grant of further enhanced market value for their acquired lands because of the judgment of the High Court in RFA No. 462 of 1977 rendered subsequently on May 10, 1979, whereunder the market value of the lands in revenue estate of village Mohali acquired earlier in the year 1971 for residential-cum-industrial purposes had come to be determined at Rs. 35,000 an acre. According to them, when the market value of the lands of village Mohali acquired in the year 1971

had come to be determined by the High Court at Rs. 35,000 an acre, the market value of the lands of Buterla village belonging to the claimants which lay between Mohali village and Chandigarh and acquired in the year 1974, requires to be determined at a higher rate.

4. We cannot accede to the submission of the learned counsel for the petitioners in that the petitioners have adduced no evidence to show that their acquired lands for which they are seeking enhanced market value were similar to the lands, the market value of which has been determined by the High Court in its judgment in RFA No. 462 of 1977 at Rs. 35,000 an acre. If we are now to act on the judgment of the High Court in RFA No. 462 of 1977 for enhancing the market value of the lands of the petitioners before us for the reason that it is produced before us with the assertion that the lands for which market value is determined by the High Court in the latter judgment are similar to the acquired lands of the petitioners, we have to necessarily proceed to decide the matter on the basis of our own surmises or conjectures because of want of evidence in that regard. Adoption of such course by us is, we feel, unwarranted, for it will give scope for the making of arbitrary and fanciful awards in land acquisition cases. Hence, these Special Leave Petitions are liable to be dismissed.

5. These are appeals by special leave directed against the judgment of the High Court of Punjab and Haryana rendered in land acquisition appeals before it. The appellants, who were the claimants have sought from this Court grant of enhanced compensation for their lands acquired under the Act. As questions arising for consideration in C As Nos. 378, 958, 379, 380 and 957 of 1981 have since been dealt with in our judgment in SLP (C) No. 5053 of 1980 and other connected petitions, they are liable to be dismissed following that judgment.

6. Coming to CA No. 348/81, by special leave directed against the judgment in LPA No. 162 of 1979: (RFA No. 1995 of 1978) of the High Court of Punjab and Haryana by which the market value of the acquired lands there has been determined at the rate of Rs. 33,000 an acre on the basis of the market value fixed for similar acquired lands, it is rightly pointed out on behalf of the appellants/claimants in CA No. 348 of 1981 relating to LPA No. 162 of 1979 in the High Court that the market value of their lands acquired pursuant to the preliminary Notification published on 3-12-1975 could not have been fixed at the same market value fixed for similar lands acquired under a previous Notification published on 23-12-1974. Learned counsel are right when they say that having regard to the period of more than a year elapsed from the time of earlier acquisition to subsequent acquisition and the general increase of land prices during that period, higher market value for appellants' lands should have been given. We consider that it would be just and reasonable to enhance the market value of the appellants land by Rs. 3,000 an acre. The market value of the acquired land, therefore, works out to approximately Rs. 36,000 an acre. Appellants claimants shall, therefore, get Rs. 36,000 an acre as market value of their acquired land as against Rs. 33,000 an acre determined by the High Court. Consequently, this Civil Appeal has to be allowed to that extent.

7. As questions arising for consideration in these Special Leave Petitions have since been dealt with in our judgment in SLP (C) No. 5053 of 1980 and other connected petitions, they are liable to be dismissed following that judgment.

8. In the result, all the SLPs are dismissed, however without costs; all the Civil Appeals except Civil Appeal No. 348/81 are dismissed, however without costs; Civil Appeal No. 348/ 81 is partly allowed and judgment and decree of the High Court appealed against is modified only to the extent of enhancing the market value of the land concerned therein from Rs. 33,000 an acre to Rs. 36,000 an acre, however without costs. Order accordingly

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