

Mangat Ram and Others

Vs

State of Haryana and Others

Civil Appeals Nos. 8879-80 of 1996 with Nos. 8881-83, 8887, 8885-86 and 8883-84 of 1996

(K. Ramaswamy, G.B. Pattanaik JJ)

22.04.1996

ORDER

1. Leave granted.
2. Heard learned counsel for all the parties.
3. The notification under Section 4(1) was published on 16-8-1983 acquiring 49 acres 1 kanal 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 LPA, the compensation was enhanced to Rs 40 per sq. yd.
4. The Municipal Committee filed appeals arising out of SLPs Nos. 23334-35 of 1994 and 20331-32 of 1994. The appeals arising out of SLPs Nos. 9046, 8448 and 7231 of 1994 are filed by the Punjab Wakf Board. The appeals arising out of SLPs Nos. 535-36 of 1994 are filed by the tenants for the apportionment in a reference under Section 30.
5. 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 LPA 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 charges from 40% to 33 1/3%.
6. 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.
7. 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 v. Bihari Lal ((1994) 4 SCC 523) and Inder Parshad v. Union of India ((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 Others 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.

8. The appeals are disposed of. The appeals of RC are dismissed. No costs.