

Santosh Kumari (Smt) and Others

Vs

State of Haryana

Civil Appeals Nos. 2251-52 of 1991 with Nos. 1206-09, 2253 and 2254-55 of 1991

(K. Ramaswamy, K. Venkataswami JJ)

28.08.1996

ORDER

1. Notification under Section 4(1) of the Land Acquisition Act, 1894 (1 of 1894) (for short "the Act") was published on 25-9-1979 acquiring large tracks of land for urbanisation within the municipal limits of Panipat. The Land Acquisition Officer in his award dated 7-4-1981 determined the compensation at the rate of Rs 24,960 per acre for Block I and Rs 19,992 per acre for Block II. On reference, the Additional District Judge enhanced the compensation by his award and decree dated 24-1-1984 to Rs 18 per sq. yd. On further appeal by the State as well as the claimants, the High Court enhanced the compensation to Rs 21.25 per sq. yd. without any deductions for developmental charges. The High Court has also granted additional amount under Section 23(1-A) of the Act. Thus, these appeals by special leave.

2. Shri Sehgal, the learned Senior Counsel for the appellants, contended that the notification relied upon by the District Judge relates to third acquisition dated 10-10-1978 while the acquisition in this case is of 25-9-1979. Therefore, the learned Judge ought to have granted escalated charges rather than what was granted in the earlier cases. We find no force in the contention. In fact, the Additional District Judge relying upon a small piece of land which did not find favour with the High Court, enhanced the compensation. The High Court also on the comparative evaluation and considering the evidence adduced before the Reference Court, determined the compensation at the rate of Rs 21.25 per sq. yd. It is settled law that when the compensation is determined on yardage basis for housing development and the lands are to be developed, the direction to deduct 1/3rd towards the development charges, is required to be given. The High Court has not adopted that principle but the State has not come in appeal. The High Court has also granted additional amount under Section 23(1-A) of the Act to which the appellants are not entitled. Under these circumstances, we do not find any justification warranting further enhancement of the compensation.

3. The appeals are accordingly dismissed but, in the circumstances, without costs.