

SUPREME COURT OF INDIA

Raj Kumar

Vs.

Haryana State

C.A.No.3271 of 2002

(G.P. MATHUR and P.K. Balasubramanyan JJ.)

27.08.2007

JUDGEMENT

P.K. BALASUBRAMANYAN, J.

1. Leave granted in Petitions for Special Leave to Appeal. Delay condoned in filing application for Substitution in Civil Appeal arising out of Petition for Special Leave to Appeal (Civil) No. 9355 of 2007 and application for substitution is allowed. Heard learned counsel on all sides.

2. A Notification under Section 4 of the Land Acquisition Act was issued on 19.5.1992 notifying the proposal for acquisition of an extent of 504.27 acres of land in the revenue estates of Hisar, Satrod Khurd and Satrod Khas in District Hisar. The public purpose put forward was the development and utilization of land as residential in Sectors 9 and 11 by the Haryana Urban Development Authority. On 18.5.1993, a declaration under Section 6 of the Land Acquisition Act was made.

The area in respect of which the declaration was made was of 478.44 acres.

3. The Land Acquisition Collector passed an award on 17.5.1995 adjudging the compensation payable to the land owners at Rs. 3 lakhs per acre. On a claim for enhancement by various claimants, the Reference Court enhanced the compensation to Rs.

235/- per square yard for the lands in the revenue estate of Hisar and to Rs.135/- per square yard in the revenue estates of Satrod Khurd and Satrod Khas. The Reference Court found that the lands were agricultural lands and were being used for agricultural purposes. But still it found that the acquired lands were within the municipal limits of the town and it took note of the potentialities of the lands with reference to its location, its lie, and the potentialities in view of the availability of civic amenities.