

SUPREME COURT OF INDIA

Abhinash Chand & Ors.

Vs.

State of Himachal Pradesh & Ors.

C.A.No.3268-3269 of 2011

(Kurian Joseph and R.F.Nariman,JJ.)

02.03.2016

JUDGMENT

Kurian Joseph, J.

1. An extent of 51 marlas of land was acquired by the first respondent for the purpose of Railways. The Land Acquisition Collector awarded compensation of Rs. 1050 per marla against the claim of Rs.6,000/- per marla made by the appellants.
2. Dissatisfied, the appellants approached the Reference Court and taking note of the average of three exhibitables provided by the appellants, the value was fixed at Rs. 7,900/- per marla.
3. Having heard the learned counsel appearing for the appellants and Mr. R. S. Suri, learned senior counsel appearing for the Railways and the learned counsel appearing for the State of Himachal Pradesh, we are of the view that the Reference Court was not justified in ignoring the document dated 10.07.1984, wherein the land value had been fixed at Rs. 9,000/-per marla. The Reference Court itself has taken note of the potential value of the land, since it is situated near to the District Hospital. We are informed that the acquired land has since been included in the Municipal limits. Since Section 4(1) notification was of the year 27.12.1985, the appellants shall also be entitled to more than 10% increase.
4. Having regard to the entire facts and circumstances of the case, we are of the view that the interest of justice would be advanced and the statutory requirements would also be met if the land value is fixed at least at Rs. 10,000/- per marla.
5. The appeals are, accordingly, allowed by fixing the land value at Rs. 10,000/- per marla.
6. The appellants shall also be entitled to all the statutory benefits.
No costs.