

SUPREME COURT OF INDIA

Raj Kumar

Vs.

State of Punjab

C.A.No.4764 of 2018

(Kurian Joseph and Mohan M.Shantanagoudar,JJ.,)

03.05.2018

JUDGMENT

Kurian joseph,J.,

SLP(C)No.1948 of 2017

1. Leave granted.
2. The appellants are essentially aggrieved by the acquisition of their land by the respondent. It is seen that they had several rounds of unsuccessful litigation on one ground or other; last of which has led to the impugned judgment. The High Court held that the Section 6 declaration pertaining to the disputed acquisition was within the time contemplated by Section 6(1) of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act").
3. We find that this is a case where the respondents initiated land acquisition proceedings for the purpose of "setting up a grain market. The Section 4(1) notification was issued more than a decade back.
4. We are informed that awards have been passed on 15.07.2013 and some of the claimants are already before the Reference Court. We are also informed that compensation has neither been paid nor offered to some of the claimants. Having regard to the purpose for which the acquisition was sought to be made and having regard to several rounds of litigation, we are of the view that it is only in larger public interest and also for doing complete justice between parties that the litigations are given a quietus. It is in the interest of claimants also that they should get a just, fair and proper value for their lands at the earliest. Accordingly, we direct the Reference Court to dispose of the cases pending for enhancement in respect of the acquisition under challenge within a period of three months from today.
5. We make it clear that the Reference Court shall not make any reference to any of the affidavits filed before this Court or any orders passed by this Court in these proceedings. As far as those claimants who have not gone to the Reference Court, they shall be entitled to file application under Section 28A of the Act within a period of three months after the award of

the Reference Court for redetermination of the compensation. The Collector shall take action on the applications for redetermination within three months thereafter. While passing final orders on the application for redetermination, the Collector shall verify whether any appeals have been filed against the awards passed by the Reference Court under Section 54 of the Act and in case any appeals are pending, he shall await the outcome of the appeals before passing final orders on the application under Section 28A of the Act.

6. Needless also to say that the redetermination shall be in terms of the award as modified under Section 54 of the Act.

7. In order to avoid any difficulty in the case of those claimants who have not yet been paid the award amount, we direct the Collector to disburse the amount as fixed by Land Acquisition Collector with interest and other benefits as on today to the claimants, within a period of two months from today, without prejudice to rights of the claimants under Section 18 or 28A of the Act.

8. We make it clear that there shall be no further adjudication as to the validity of acquisition on the ground whether Section 6 has been published within time or not.

9. The appeal is disposed of accordingly. The Registry shall communicate a copy of this order to the Reference Court immediately. Pending applications, if any, are also stand disposed of.