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PAL SINGH AND ORS.

v.

UNION TERRITORY OF CHANDIGARH

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SEPTEMBER 8, 1992

[L.M. SHARMA, S. MOHAN AND N. VENKATACHALA, JJ.]

*Land Acquisition Act, 1894:*

C

*Section 23—Market Value of land—Reference Court awarding compensation—On appeal High Court determining higher compensation as agreed to by parties—Subsequent judgment of the High Court awarding still higher compensation in respect of lands in the vicinity—Whether could be acted upon for enhancement of compensation.*

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The petitioners who were not satisfied with the amounts of compensation awarded to them by the Reference Court or the acquisition of their lands, preferred appeals before the High Court. By a common judgment, the High Court determined the amounts of compensation as was agreed to by counsel for the petitioners and the opposing parties. And the present Special Leave Petitions were filed by the claimants, contending that a subsequent judgment of the High Court has awarded higher compensation for land in the vicinity of acquired lands and so they were also entitled to the same higher compensation.

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Dismissing the Special Leave Petitions, this Court,

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**HELD:** 1.1. No doubt, a judgment of a court in a land acquisition case determining the market value of a land in the vicinity of the acquired lands, even though not interparties, could be admitted in evidence either as an instances or one from which the market value of the acquired land could be deduced or inferred. But what cannot be overlooked is, that for a judgment relating to value of land to be admitted in evidence either as an instance or as one from which the market value of the acquired land could be inferred or deduced, must have been a previous judgment of Court and as an instance, it must have been proved by the person relying upon such judgment by adducing evidence allunde that due regard being given to all attendant facts and circumstances, it could furnish the basis

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for determining the market value of the acquired land. [455 C-F]

1.2. In the instant cases, the petitioners have not produced the judgment of the High Court on which they propose to rely for finding the market value of their acquired lands as evidence in their cases, in that they could not have done so for the reason that it was not a judgment then available to them as a previous judgment relating to market value of land in the vicinity. No evidence was also adduced by the petitioners to show that due regard being given to all attendant facts and circumstances, it could form the basis for determining the market value of their acquired lands. Hence, there is no justification to act upon a subsequent judgment of the High Court, to enhance the market value of the lands acquired from the petitioners. Moreover, when judgment is rendered by a Court determining the market value of lands acquired under the Act, by agreement of parties, such judgment becomes final and it would not be open to any of the parties thereto to appeal against that judgment. [455 F-H; 456 A-C]

*H.K. Mallick v. State of West Bengal*, (79 Calcutta Weekly Notes and Secretary of State v. Indian General Steam Navigation and Railway Co. (I.L.R. 36 Cal. 967), referred to.

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)  
No. 7366 of 1980.

From the Judgment and Order dated 27.3.1979 of the Punjab and Haryana High Court in Regular First Appeal No. 435 of 1974.

With S.L.P. (C) Nos. 7367, 5052, 7391, 7392, 7394 and 7395 of 1980.

Ujjagar Singh, D.V. Sehgal, A.S. Chahal, B. Kanta Rao, L.R. Singh, Yunus Malik, Ranbir Singh Yadav, G.K. Bansal, Vimal Dave, Ms. Neelam Kalsi, Ms. Lily Thomas, Raj Birbal and R.S. Suri for the appearing parties.

The Judgment of the Court was delivered by

VENKATACHALA, J. Special Leave Petitions (Civil) Nos. 7366, 7367 and 5052 of 1980: As these are petitions directed against the common judgment dated 27.3.1979 in Land Acquisition Regular First Appeals before the High Court of Punjab and Haryana, they could be disposed of by this common judgment.

A           Petitioners were appellants in the appeals before the High Court. They had preferred those appeals claiming enhanced compensation for their lands which had been acquired under the Land Acquisition Act, 1894 (for short 'the Act') not having been satisfied with the amounts of compensation awarded for them by the Court of the Additional District Judge, Ropar on references received under Section 18 of the Act. High Court, by  
 B its common judgment determined the amounts of compensation payable for the acquired lands of the appellants, as was agreed to by counsel for them and the opposing parties, thus:

C           "2. Counsel for both the parties are agreed that in these cases they are squarely covered by our decision in RFA No. 4 of 1974 *Union of India v. Gursaran Singh*, decided on 8th March, 1979 and LPA No. 363 of 1978 *Union of India v. Des Raj* decided on 22nd March, 1979. None of the parties have argued on any point for taking a different view and have merely prayed, in our opinion, rightly that these  
 D decisions be followed and order be passed in these terms.

E           3. Without going into details facts or giving summary of the cases, we allow RFA Nos. 435-437 of 1974 and cross objections in RFA Nos. 189-191 of 1978 with costs and fix the compensation at the following rates:-

(i)	Chahi	Rs. 18,750 per acre
(ii)	Chahi Mustar	Rs. 12,500 per acre
(iii)	and all other kinds of lands	Rs. 12,000 per acre

F           Besides the above, the claimants would be entitled to 15 per cent solatium and interest at the rate of 6 per cent per annum from the date of acquisition till the payment of the enhanced amount."

G           Yet, the appellants in the appeals before the High Court have presented these Special Leave Petitions, respecting the said judgment.

H           The submission of learned counsel for the petitioner-claimants was that the claimants (appellants before the High Court) are entitled to higher compensation for their acquired lands as the High Court had subsequent

to the judgment in their appeals, awarded higher compensation for a parcel of land in the vicinity of acquired lands, in deciding an appeal before it. According to them, as a judgment of a court in a land acquisition case determining the market value of a land in the vicinity of acquired lands, even though not interparties, is admissible in evidence either as an instance or one from which the market value of the acquired land could be deduced or inferred as is held by the Calcutta High Court in *H.K. Mallick v. State of West Bengal*, (79 Calcutta Weekly Notes at 378), the reported judgment of the High Court to which our attention was invited, should be made the basis for enhancement of compensation for the acquired lands of the petitioners.

No doubt, a judgment of a court in a land acquisition case determining the market value of a land in the vicinity of the acquired lands, even though not interparties, could be admitted in evidence either as an instance or one from which the market value of the acquired land could be deduced or inferred as has been held by the Calcutta High Court in *H.K. Mallick's* case (supra) based on the authority of the Judicial Committee of the Privy Council in *Secretary of State v. Indian General Steam Navigation and Railway Co.*, I.L.R. 36 Cal. 967, where the Judicial Committee did refuse to interfere with High Court judgment in a land acquisition case based on previous awards, holding that no question of principle was involved in it. But what cannot be overlooked is, that for a judgment relating to value of land to be admitted in evidence either as an instance or as one from which the market value of the acquired land could be inferred or deduced, must have been a previous judgment of Court and as an instance, it must have been proved by the person relying upon such judgment by adducing evidence aliunde that due regard being given to all attendant facts and circumstances, it could furnish the basis for determining the market value of the acquired land. In the cases on hand, the petitioners who are claimants claiming enhanced compensation for their acquired land have not produced the judgment of the High Court on which they propose to rely for finding the market value of their acquired lands as evidence in their cases, in that they could not have done so for the reason that it was not a judgment then available to them as a previous judgment relating to market value of land in the vicinity. Much less, is there any evidence aliunde adduced by them in the cases on hand to show that due regard being given to all attendant facts and circumstances, it could form the basis for determining the market value of their acquired lands. Hence, there is no

- A justification for us to act upon a subsequent judgment of the High Court, cited before us from a Law Report, to enhance the market value of the acquired lands of the petitioners merely because it was claimed on their behalf that the market value of the lands concerned therein could become evidence for determining the market value of the lands concerned in the appeals respecting which the present Special Leave Petitions are filed.
- B Moreover, when judgment is rendered by a Court determining the market value of lands acquired under the Act, by agreement of parties, such judgment becomes final and it would not be open to any of the parties thereto to appeal against that judgment. Hence, these Special Leave Petitions are liable to be dismissed.

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*SLP (C) Nos. 7391, 7392, 7394 and 7395 of 1980.*

Questions arising for decision in these petitions being those considered and decided by our judgment in SLP (C) No. 7366 of 1980 and connected petitions, they are liable to be dismissed following that judgment.

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In the result, all the SLPs are dismissed, however with no costs.

G.N.

Petitions dismissed.