

BHAG SINGH AND ORS.

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v.

UNION TERRITORY OF CHANDIGARH

SEPTEMBER 8, 1992

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

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Land Acquisition Act, 1894:

Section 23—Market value—Enhancement of—Large number of cases already decided by Courts—Subsequent judgment fixing higher market value for lands in the vicinity—Whether could be acted upon to grant higher compensation.

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The petitioner's lands were acquired and they were granted compensation by the Reference Court. For enhancement of compensation, the petitioners filed appeals/cross-objections before the High Court. By a common judgment the High Court enhanced the compensation. The High Court also dismissed the appeals preferred by the State Government for reduction in the amounts of compensation awarded by the Reference Court. Not satisfied with the quantum of enhancement, the petitioners preferred the present Special Leave petitions against the High Court's orders.

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On behalf of the petitioners it was contended that in a subsequent judgment the High Court has awarded higher market value for land similar to the acquired lands and on that basis the compensation has to be enhanced in respect of the acquired lands belonging to the petitioners.

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The Respondent contested the appeal on the ground that the judgment of the High Court relied on by the Petitioners related to a stray case and it should not be allowed to disturb the uniform rate of market value fixed by the High Court in a number of cases and has become final.

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Dismissing the Special Leave Petitions, this Court,

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 land, even though not inter parties, could be admitted in evidence either as an instance or one from which the market value of the acquired land

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A could be deduced or inferred. There will be no difficulty in accepting such judgment as one furnishing the basis for determining the market value of the acquired land under consideration, if the opposite parties do not genuinely dispute the position that the judgment relied upon, could be acted as basis for determination of the market value of the acquired land.

B [461 G-H; 462 A-C]

1.2. However, it is unsafe to act on a subsequent stray judgment of a High Court in a land acquisition case to disturb its earlier large number of judgments, where uniform rate of market value of the acquired lands in same vicinity are fixed.

C *Krapa Rangiah v. Special Duty Collector, Land Acquisition, [1982] 2 SCC 374, distinguished.*

D CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) Nos. 7368-7390 of 1980.

From the Judgments and Orders dated 8.3.1979, 27.3.1979 and 9.5.1979 of the Punjab and Haryana High Court in Regular First Appeal Nos. 477/76, 473/76, 474/76, 471/76, 570/77, 455/76, 475/76, 569/77, 469/76, 842/78, 1053/78, 653/77, 4/74, 461/74, 96/76, 99/76, 152/78, 100/76, 97/76, 101/76, 472/76, 478/76 and 476 of 1976.

WITH

S.L.P. (C) Nos. 7416-7427, 7393, 7399 and 5054 of 1980.

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

The Judgment of the Court was delivered by

G **VENKATACHALA, J.** These Special Leave Petitions being those directed against judgments of one and the same Division Bench of the High Court of Punjab and Haryana by which market value of lands of the petitioners acquired under the provisions of the Land Acquisition Act, 1894 (for short 'the Act') has been determined on common materials and considerations, they could be disposed of by this common judgment.

We shall first deal with SLP (C) Nos. 7368-7376, 7379-7390, 7393 and 7399 of 1980 directed against one of the common judgments of the High Court as the decision in them will suffice for disposal of the remaining Special Leave Petitions where common questions arise for consideration. A

Petitioners were either the appellants or cross objectors in the appeals before the High Court. As they were not satisfied with the amounts of compensation awarded for their acquired lands by the Court of District Judge at Chandigarh, on references received by it under Section 18 of the Act, grant of a higher compensation was sought by them from the High Court. By its common judgment, the High Court granted higher amounts of compensation for the acquired lands of the appellants and the cross-objectors, though it fell short of the amounts of higher compensation sought by them. These Special Leave Petitions are now presented by them seeking grant of leave of this Court to appeal against the judgment of the High Court, so as to obtain from this Court higher amounts of compensation for their acquired lands. B C D

Parcels of lands of the appellants and the cross objectors situated in Badheri, Kajheri, Palsaura, Nizampur Burail and Burail were proposed for acquisition for the development of new sectors to be added to the city of Chandigarh, by Notification under Section 4(1) of the Act published in the local Gazette on two dates, *to wit*, July 28, 1970 and December 16, 1970. Court of the District Judge which received References under Section 18 of the Act broadly categorised the acquired parcels of lands into four categories and determined the market value of lands falling in each such category, thus: E

1. Chahi at the rate of Rs. 18,750 an acre F
2. Chahi muster at the rate of Rs. 12,500 an acre.
3. Barani and Bagh barani at the rate of Rs. 10,000 an acre.
4. Chair mumkin, bara, maken chah, tubewell, huts, pirh and rasta area at the rate of Rs. 5,000 an acre. G

A Division Bench of the High Court which considered the appeals and cross-objections including the appeals and cross-objections of the petitioners who were the appellants and cross-objectors before it, reduced H

A the categories of their acquired lands into three and determined the market value of lands falling in each such category, thus:

1. Chahi at the rate of Rs. 18,750 per acre
2. Chahi muster at the rate of Rs. 12,500 per acre.
3. At other types and quality of land at the rate of Rs. 12,000 per acre.

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C As becomes apparent from the judgment of the High Court, the parties before it did not dispute that the acquired lands situated in various villages fell in the same alignment to the West of Chandigarh City and there was no material increase in the prices of the acquired lands between July 28, 1970 and December 16, 1970, the dates on which the two sets of lands, had been notified for acquisition. Learned Judges of the High

D Court deciding the appeal have adverted to in their judgment, to RFA No. 181 of 1970 by which a learned Single Judge of the same Court had determined the market value of a land in the village Burail, acquired along with the lands with the market value of which they were concerned. Learned Single Judge who decided that appeal, it is stated, determined

E the market value of Chahi land at Rs. 18,750 per acre, Chahi muster land at Rs. 12,500 per acre and all other types of land at the rate of Rs. 12,000 per acre, and that determination of the market value of the lands had resulted in an enhancement of compensation payable to the claimants concerned there. Learned Judges have also adverted to in their judgment

F to another judgment of the same learned Single Judge rendered in RFA No. 200 of 1973 in which he awarded for the lands of Kajheri village acquired pursuant to the Notifications under consideration and for the same purpose, at the very rates and on the same categorisation, as had been done in RFA No. 181 of 1970 and State's Letters Patent Appeal

G filed against that judgment having been dismissed by the Division Bench without disturbing the amounts of compensation awarded by the learned Single Judge. Thereafter, a reference is made to 14 Regular First Appeals decided by the same Division Bench earlier on March 7, 1979 where they had determined the market value of the lands of Nizampur Burail at the rates determined by the learned Single Judge in the appeals decided by

H him. Learned Judges of the Division Bench have, by following the earlier

judgment of the Court determined the market value of the acquired parcels of lands having regard to the categorisation of lands made thereunder and the market value determined therefor observing, *inter alia*, that the lands with the market value of which they were concerned, were in the villages which were contiguous. That determination of the market value of the acquired lands has resulted in grant of enhanced compensation to the petitioners as had been done in their earlier judgments relating to the compensation awarded for similar lands acquired at about the same time and for the same purpose. Consequently, appeals filed by the State for reduction in the amounts of compensation awarded by the Court of the District Judge have come to be dismissed while the appeals and cross-objections of the petitioners have come to be partly allowed.

What was urged before us by the learned counsel appearing for the petitioners-claimants in support of the petitions, was that this court should enhance the market value of the acquired lands of the claimants since a learned Single Judge of the High Court in some other appeal had awarded a somewhat higher market value for a land similar to the acquired lands. Their submission was that the compensation payable for the lands of the claimants had to be enhanced by treating the subsequent judgment of the High Court as evidence of the real market value of the acquired lands of the claimants. Learned counsel sought to invite our attention to that subsequent judgment of a learned Single Judge of the High Court on which they had relied, as had been reported in a Law Report. Further, they sought to obtain sustenance for their argument from a decision of this Court in *Krapa Rangiah v. Special Duty Collector, Land Acquisition*, [1982] 2 SCC 374. In our view, the submission of the learned counsel made on behalf of the petitioners do not merit acceptance. So also, the decision of this Court from which sustenance for the submission was sought, can lend no such sustenance.

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 land, even though not inter parties, 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. There will be no difficulty in accepting such judgment as one furnishing the basis for determining the market value of the acquired land under consideration, if the opposite parties do not

A genuinely dispute the position that the judgment relied upon, could be acted as basis for determination of the market value of the acquired land. In fact, in *Krapa Rangiah's* case (supra) this Court was considering a case where the High Court had reduced the compensation which had been awarded in appeal by the reference Court. It was not disputed before this

B Court that the High Court had granted an extra rate of Rs. 2 per square yard for a similar land which adjoined the acquired land and had been acquired under the same Notification. It is in the said set of admitted facts, this Court enhanced the compensation payable for the acquired land under consideration before it by Rs. 2 per square yard. This decision, therefore,

C cannot lend any assistance to the petitioners claim for grant of compensation which could be higher than that granted by the High Court. The petitioners in the present petitions, it has to be noted, though have been granted compensation by the High Court exceeding that granted by the Reference Court was seeking grant of further enhanced compensation from this Court. But such claim for enhanced compensation is contested by

D learned counsel appearing for the Land Acquisition Collector, by urging that the judgment of the High Court on which reliance is placed on behalf of petitioners cannot form the basis for determining the market value of the acquired lands of the petitioners, in as much as, there is absolutely no evidence adduced by them to show that in the attendant facts and cir-

E cumstances of the cases, it would be just and reasonable to grant the compensation for the acquired lands of the petitioners at a higher rate in which compensation has been granted to the claimant concerned in a stray case where subsequent judgment has been rendered by the High Court. Judgments of the High Court given in a large number of cases determining

F the market value of lands in a huge tract at uniform rates cannot be revised, in our view, solely on the basis of claim made on behalf of petitioners that a learned Judge of the same High Court in a subsequent stray case has awarded a higher compensation for a piece of land said to be in the same tract of the acquired lands. If recourse is taken to such procedure, the market value already determined in a large number of cases at uniform

G rates may go on requiring either enhancement or reduction, whenever subsequent judgment of the Court in a stray case brings about a variation in the market value of land concerned. To say the least, such procedure if is resorted to by Courts in determination of market value of lands lying in large tracts based on previous awards or judgments can never reach

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finality. Besides, recourse to such procedure could give ample scope for making of arbitrary and fanciful awards in land acquisition cases. Hence, we consider it unsafe to act on a subsequent stray judgment of a High Court in a land acquisition case to disturb its earlier large number of judgments, where uniform rate of market value of the acquired lands in same vicinity are fixed. Consequently, no interference with the judgment of the High Court against which present SLPs are filed, is warranted. The SLPs are, therefore, liable to be dismissed.

SLP NOS. 7377-7378 AND 7423-7427 OF 1980.

As these Special Leave Petitions are directed against another common judgment of the High Court where the questions arising for decision are the same as those in the SLPs just now dismissed by considered judgment, they are liable to be dismissed by following that judgment.

SLP NOS. 5054, 7416-7422 OF 1980.

Again, our considered judgment in SLP (C) No. 7368 of 1980 and connected petitions covers these SLPs. Hence, these SLPs are also liable to be dismissed.

In the result, all the Special Leave Petitions are dismissed, however with no costs.

G.N.

Petitions dismissed.