

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) No. 18054 of 2019)

Hari Ram (Deceased) Thr. His LRs. and Anr. ...Appellant(s)

Versus

Land Acquisition Collector cum
District Revenue Officer Gurgaon and Ors. ...Respondent(s)

WITH

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) No. 18286 of 2019)

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) No. 25786 of 2019)

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) No. 18304 of 2019)

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) No. 18051 of 2019)

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) No. 31594 of 2019)

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) NO. _____ OF 2022
Diary No. 41222 of 2019)

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) No. 1714 of 2021)

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) No. 16034 of 2021)

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) NO. _____ OF 2022
Diary No. 11553 of 2022)

CIVIL APPEAL NO. _____ OF 2022
(@ SLP (C) NO. _____ OF 2022
Diary No. 10395 of 2022)

J U D G M E N T

M.R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned common judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in First Appeal Nos. 597 of 2004 and other allied first appeals, by which the High Court has partly allowed the said first appeals and has enhanced the amount of compensation for the lands acquired to Rs. 7,00,000/- per acre for irrigated and non-irrigated lands, the original landowners have preferred the present appeals.

2. That the lands in question situated within the revenue estate of Village Bhondsi, Tehsil Sohna, District Gurgaon came to be acquired under the provisions of the Land Acquisition Act, 1894 (hereinafter referred to as the "Act, 1894") for setting up of Liquefied Petroleum Gas Plant at Bhondsi. Notification under Section 4 of the Act was issued on 19.06.1996. The Land Acquisition Officer determined and awarded the compensation @ Rs. 5,30,000/- per acre for irrigated lands and Rs. 2,00,000/- per acre for non-irrigated lands. The Reference Court

fixed the compensation at Rs. 5,30,000/- per acre for both the irrigated as well as the non-irrigated lands. By the impugned common judgment and order, the High Court has determined and enhanced the amount of compensation to Rs. 7,00,000/- per acre. Feeling aggrieved and dissatisfied with the impugned common judgment and order passed by the High Court determining the compensation for the lands acquired @ Rs. 7,00,000/- per acre, the landowners have preferred the present appeals for enhancement of the amount of compensation.

3. We have heard the learned counsel appearing on behalf of the landowners as well as Ms. Meenakshi Arora, learned Senior Advocate appearing on behalf of the beneficiaries – Indian Oil Corporation.

4. From the impugned common judgment and order passed by the High Court and even from the judgment and award passed by the Reference Court, it appears that the landowners heavily relied upon the sale exemplars / sale instances produced as Ex. P1 to Ex. P10. However, the landowners have heavily relied upon the sale exemplars / sale instances produced as Ex. P1 to Ex. P4, which are as under:-

Ex. No.	Date of Sale	Area Sold:		Sale Consideration	Rate per acre:
		K	M		
P1	10.04.1996	16	11	72,00,000.00	34,69,880.00
P2	21.08.1995	14	14	38,50,000.00	20,95,238.00
P3	15.04.1996	1	19	4,69,062.00	19,24,357.00
P4	15.04.1996	1	15	4,09,687.00	18,72,854.00

5. The acquiring body and the Indian Oil Corporation relied upon the sale exemplars / sale instances produced as Ex. R1 to Ex. R13, more

particularly, Ex. R.12, which was also relied upon and considered by the Land Acquisition Officer, the particulars of Ex. R12 is as under:-

Ex. No.	Date of Sale	Area Sold:		Sale Consideration	Rate per acre:
		K	M		
R12	17.05.1996	16	0	13,40,000.00	6,70,000.00

6. By the impugned common judgment and order, the High Court has discarded the sale exemplars / sale instances Exs. P1, P3 and P4 relied upon on behalf of the landowners by observing that the said sale deeds are by or in favour of the company, M/s. Orient Express Pvt. Ltd. and there is a price variation between the sale deeds produced as Ex. P1 and the sale deeds produced as Exs. P3 and P4. Therefore, the High Court opined that the sale deeds / sale exemplars produced as Exs. P3 and P4 are not genuine. That thereafter, relying upon and considering the sale exemplar / sale deed produced as Ex. R12, the High Court has partly allowed the appeals and enhanced the amount of compensation to Rs. 7,00,000/- per acre, hence the present appeals are at the instance of the original landowners.

7. Having heard the learned counsel appearing on behalf of the respective parties and having gone through the impugned common judgment and order passed by the High Court and the reasoning given by the High Court discarding the sale exemplars / sale instances produced as Exs. P1, P3 and P4, we are of the opinion that the High Court has committed a very serious error in discarding the sale

instances / sale exemplars produced as Exs. P3 and P4. The High Court has not properly appreciated the fact that so far as the sale deed Ex. P1 is concerned, the same was executed by M/s. Orient Express Pvt. Ltd. in favour of a private person and on the other hand, the sale deeds Exs. P3 and P4 were executed in favour of M/s Orient Express Pvt. Ltd. Therefore, when after purchasing the land, a company had sold the land the prices are bound to be higher. Merely because the sale deeds Exs. P1, P3 and P4 were by and/or in favour of the company and there was variation in the prices mentioned in the Exs. P1, P3 and P4 cannot be a ground to hold that the sale exemplars Exs. P3 and P4 are not genuine and therefore required to be discarded.

8. In view of the above, it will be safe to rely upon and/or consider the sale deeds produced as Exs. P3 and P4. However, at the same time, considering the fact that the Sale Deeds produced as Exs. P3 and P4 are with respect to the smaller parcel of land, there has to be a proper deduction on the ground of smaller area of the land and development. Looking to the location and the potentiality of the lands acquired and as the acquired lands were required to be used for Liquified Petroleum Gas Plant, not much development was required like the housing scheme and/or as required for other similar purposes, therefore, if 35% is deducted considering the evaluation with respect to Sale Deed at Ex. P4, the same can be said to be just, reasonable and proper

compensation to the original landowners. Therefore, the original landowners shall be entitled to Rs. 12,16,800/- per acre towards compensation for the lands acquired. To the aforesaid extent, the impugned common judgment and order passed by the High Court is required to be modified.

9. In view of the above and for the reasons stated above, all these appeals succeed in part. The impugned common judgment and order passed by the High Court is hereby modified and it is observed and held that the original landowners shall be entitled to the compensation @ Rs. 12,16,800/- for the lands acquired with all other statutory benefits and the interest, which may be available under the provisions of the Act, 1894.

All these appeals are partly allowed to the aforesaid extent. However, in the facts and circumstances of the case, there shall be no order as to costs.

.....J.
[M.R. SHAH]

NEW DELHI;
OCTOBER 20, 2022.

.....J.
[M.M. SUNDRESH]