

SHER SINGH ETC. ETC.
v.
STATE OF HARYANA AND ORS. ETC. ETC.

JANUARY 8, 1991

[L.M. SHARMA AND MADAN MOHAN PUNCHHI, JJ.]

*Land Acquisition Act, 1894—Section 25—Compensation—
Enhancement—Not permissible when evidence not brought on record.*

The appellants were the claimants—land owners, whose lands were acquired for establishing a residential cum-commercial complex. The Land Acquisition Collector belting the land in three parts awarded compensation for block 'A' at the rate of Rs.4.13 per sq.yd.; for block 'B' at the rate of Rs.2.43 per sq.yd. and for block 'C' at Rs.1.65 per sq.yd.

In First Appeal the High Court was persuaded to confine to belting 'A' & 'B'. The High Court fixed compensation at the rate of Rs.23 per sq.yd. for belt 'A' and for belt 'B' Rs.16 per sq.yd.

The Claimants by special leave filed present appeals for enhancement contending that the acquired land comprises of a large area, situated alongside the G.T. Road in a strip approximately 3 kms. in length on the other side of which was the railway line; that the belting had been done in a haphazard way; that the land having been acquired for building purposes, its quality as agricultural land should not have weighed; and compensation should have been assessed uniformly.

Dismissing the appeals, this Court,

HELD: 1. The rate of Rs.42 per sq.yd. is claimed on the basis that a part of land measuring about 125 sq.yd. which found part of the acquired land, was, before the acquisition, purchased by a purchaser at the rate of Rs.42 per sq.yd. and that was an indication that the land acquired would have fetched Rs.42 per sq.yd. [3E]

2. The High Court had rejected the contention of the appellants taking the twin view that firstly the land involved was small in measure and secondly it was fully constructed having a house and a godown facing the G.T. Road itself. This reasoning is sound. [3F]

3. The judgment in which Rs.42 had been awarded in another

A case has not been brought on record as a piece of evidence to be relied upon by the claimants, and no permission has been sought to adduce additional evidence. The said judgment cannot therefore be used as a precedent even to persuade this Court to take the view that the rate should be Rs.42 per sq.yd. for belt 'A' if not uniformly. All these factors cumulatively lead to the view that appellants have no case for enhancement and have been adequately compensated for the land acquired. [3H; & A-B]

B CIVIL APPELLATE JURISDICTION: Civil Appeal Nos. 2646-52 of 1986.

C From the Judgment and Order dated the 12.10.1981 of the Punjab and Haryana High Court in Regular First Appeal Nos. 758, 760, 787, 814, 769, 1011 and 789 of 1979.

Govind Mukhoty, R.P. Bhatt, D.K. Garg, Prem Malhotra, K.C. Sharma and R.C. Kaushik for the Appellants.

D S.P. Goel and Mahabir Singh for the Respondents.

The Judgment of the Court was delivered by

E PUNCHHI, J. This bunch of appeals and special leave petitions are at the instance of the dissatisfied land owners whose lands were acquired in bulk by the State of Haryana, in the town of Hissar, for establishing a residential-cum-commercial complex.

The land totalled approximately 331 acres. The land Acquisition Collector, appointed to determine the compensation belted the land in three parts awarding for block 'A' compensation at the rate of Rs.4.13 per sq. yd.; for block 'B' at the rate of Rs. 2.43 per sq. yd. and for block 'C' at Rs.1.65 per sq.yd. The dissatisfied claimants took the matter in reference to the Addl. District Judge, Hissar who maintained the belting, but raised the compensation for block 'A' to Rs.10 per sq.yd., block 'B' to Rs.6 per sq.yd. and block 'C' to Rs.4.50 per sq.yd.

F When the matter was taken up in First Appeal before the High Court, it was persuaded to wipe out 'C' and confine it to belting 'A' & 'B'. The entire evidence was considered by the High Court meticulously to come to the conclusion that belt 'A' should fetch compensation at the rate of Rs.23 per sq.yd. and belt 'B' Rs.16 per sq.yd. Still

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not satisfied the claimants/appellants by special leave have approached this Court for further enhancement.

The goal of the appellants is that the belting as such should go and the land should uniformly be assessed to compensation at the rate of Rs.42 per sq.yd. The foundation for the argument in the first instance is that the acquired land comprises of a large area, situated alongside the G.T. Road leading from Delhi to Hissar town in a strip approximately 3 kms. in length on the other side of which was the railway line. It was also commented that the belting had been done in a haphazard way. Keeping in regard the nature of the land, it was asserted that the land having been acquired for building purposes, its quality as agricultural land should not have weighed with the courts below and compensation should have assessed uniformly space-wise. These arguments does not appeal to us. Though the acquisition of ground space is the object in view, yet the tiller's affect to keep his land more productive cannot be lost sight of in awarding compensation. In fact the belting has kept in regard the quality of the land. This is the reason for its appearing to be a haphazard line on the plan. On the second limb of the argument, that it should have fetched uniform rate of compensation, we find no supportive material on record and none has been pressed before us on which we could change the decision, merely on the comment that belting is normally not resorted to. We are not persuaded in the instant case to discard the belting system and lean towards uniformity.

The rate of Rs.42 per sq.yd. is claimed on the basis that a part of land measuring about 125 sq.yd. which formed part of the acquired land, was, before the acquisition, purchased by a purchaser at the rate of Rs.42 per sq.yd. and that was an indication that the land acquired would have fetched Rs.42 per sq.yd. The High Court had rejected the contention of the appellants taking the twin view that firstly the land involved was small in measure and secondly it was fully constructed naving a house and a godown facing the G.T. Road itself. We find this reasoning sound. Having not been able to persuade us, each of learned counsel for the appellants differently putforth that the sole instance which the High Court had rejected had later been relied by it in another case pertaining to other land under acquisition under the same notification and having awarded the rate of Rs.42 per sq.yd. We regret our inability to entertain the argument because there is nothing on record to support the same. The judgment in which such view has stately been taken has not been brought on record as a piece of evidence to be relied upon by the claimants and no permission has

- A** been sought to adduce additional evidence. The said judgment cannot be used as a precedent even to persuade us to take the view that the rate should be Rs.42 per sq.yd. for belt 'A' if not uniformly. All these factors cumulatively lead us to the view that appellants have no case for enhancement and have been adequately compensated for the land acquired. No interference is thus required in the instant case.
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Accordingly for the view above taken, we dismiss the appeals as also the special leave petitions. I.A. for condonation of delay in SLP unnumbered titled *Kanhya Lal v. State of Haryana*, is dismissed as withdrawn at the askance of the learned counsel for the appellant. There shall be no order as to costs in all these cases.

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V.P.R

Appeals dismissed.