

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3423 OF 2012

GAINDO

... APPELLANT(S)

VS.

STATE OF U.P. & ORS.

... RESPONDENT(S)

WITH

C.A.NOS.1863/2014, 181/2013, 182/2013, 690/2013,
171-172/2013, 184/2013, 183/2013, 691/2013,
180/2013, 2074/2014 & C.A.NOS.3428, 3426, 3427,
3425 & 3424 OF 2012

O R D E R

1. Heard learned counsel for the parties.
2. The landowners have preferred the instant appeals for enhancement of compensation. A common Notification under Sections 4 and 17 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'), was issued on 17.2.1989/2.3.1989, for acquisition of land situated in two villages, namely, Budhera Zahidpur and Kazipur, for construction of staff quarters and 44th Battalion, Provincial Armed Constabulary P.A.C. in District Meerut (U.P.).

..2/-

3. The Land Acquisition Collector determined the compensation @Rs.30/- per sq.yd.. The Reference Court enhanced the compensation @Rs.90.50 per sq.yd., whereas the High Court had further enhanced the same to Rs.115/- per sq.yd. Still dissatisfied with the same, the landowners are before us in appeals.

4. The evidence, that has been placed on record, was the Award passed in the case decided by this Court in U.P. Avas Evam Vikas Parishad Vs. Jainul Islam, (1998) 2 SCC 467, in which the Notification had been issued under Section 4 in the year 1983, and the compensation determined by this Court was @Rs.73/- per sq.yd. and exemplar evidence produced in the close proximity of time of Notification issued in 1989 indicated that the prices had increased in the area, particularly, the exemplars, that were placed on record, relating to village Kazipur. The sale deed dated 27.2.1987 executed by Mohar Singh related to Khasra No.393, in Village Kazipur, @Rs.290/- per sq.yd. and the sale deed dated 23.8.1988 was executed by Jai Narain Sharma, relating to Khasra No.393, in village Kazipur @Rs.360/- per sq.yd. If the aforesaid sale deeds are taken into consideration, the average value would come to Rs.325/- per sq.yd. in village Kazipur. Thus, after making 50% deduction out of the amount, for development and for smallness of the plot sold, as the area acquired was a large tract of land, we deem it appropriate to work out the compensation after

.3.

deduction of said amount in the instant cases and it would be fair to grant compensation @Rs.162.50 per sq.yd., which is rounded off to Rs.163/- per sq. yd.

5. The trend of increase in prices was there, thus, the aforesaid compensation holds good for both the villages, i.e., Budhera Zahidpur and Kazipur, District Meerut (U.P.), as they are adjacent and, particularly, when development had taken place after acquisition had been made in the year 1983 in Jainul Islam's case (supra). The compensation be paid to the landowners, along with statutory benefits, within three months from today.

6. Accordingly, the appeals preferred by the landowners are allowed. Pending application, if any, stands disposed of.

.....J.
[ARUN MISHRA]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
1st November, 2017.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Item No.8 :

Civil Appeal No(s).3423/2012

GAINDO

Appellant(s)

VERSUS

STATE OF U.P.

Respondent(s)

WITH C.A.NOS.1863/2014, 181/2013, 182/2013, 690/2013, 171-172/2013,
184/2013, 183/2013, 691/2013, 180/2013, 2074/2014

Item No.10 :

C.A.NO.3428/2012

Item No.11 :

C.A.No.3426/2012

Item No.12 :

C.A.No.3427/2012

Item No.13 :

C.A.No.3425/2012

Item No.14 :

C.A.No.3424/2012

Date : 01-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Ms. Vimla Sinha,Adv.

For Mr. Gopal Singh,AOR

Mr. Jitendra Mohan Sharma,AOR

Mr. Jitendra Mohan Sharma,Sr.Adv.

Mr. Ajit Sharma,Adv.

Ms. Seema Singh,Adv.

..2/-

Mr. Pahlad Singh Sharma,AOR

**For Respondent(s)
State**

**Mr. T.N. Singh,Adv.
Mr. Upendra Mishra,Adv.
Mr. Vinay Garg,AOR**

Mr. Anuvrat Sharma,AOR

**UPON hearing the counsel the Court made the following
O R D E R**

**The appeals are allowed in terms of the signed order.
Pending application, if any, stands disposed of.**

**(Sarita Purohit)
Court master**

**(Jagdish Chander)
Branch Officer**

(Signed order is placed on the file)