

A HARPAL SINGH AND ANR. ETC. ETC.

v.

STATE OF PUNJAB ETC. ETC.

(Civil Appeal Nos. 6744-6758 of 2022)

B SEPTEMBER 23, 2022

[M. R. SHAH AND KRISHNA MURARI, JJ.]

C *Land Acquisition – Compensation – Determination of – Held: While determining the compensation by the impugned common judgment and order/s, the High Court relied upon its earlier decisions in the cases of Surjit Singh & Kapoor Singh – Aforesaid decisions of the High Court were the subject matter of appeals before Supreme Court wherein the compensation was further enhanced – Landowners in the present appeals are also similarly situated – Accordingly, the amount of compensation payable to the landowners is enhanced by a further sum of Rs.1,00,000/- per acre in C.A. arising out of RFA No.1614 of 2000 and by Rs. 2,00,000/- per acre in remaining Civil Appeals – Further, original landowners shall be entitled to solatium as prescribed under the statute on the enhanced amount of compensation – However, they shall not be entitled to any statutory benefits including the interest under the Act from the date of respective judgments and orders passed by the High Court till the filing of the appeals in Supreme Court.*

F *Kapoor Singh v. State of Punjab & Another Etc. and Surjit Singh v. State of Punjab & Anr. Etc. Common order of Supreme Court dtd. 15.01.2014 passed in Civil Appeal Nos. 738-748/2014 and Civil Appeal No. 363/2013 – relied on.*

G *Surjit Singh v. State of Punjab & Another Decision of High Court dtd. 2.3.2009 in RFA No. 3004/2006; Kapoor Singh v. The State of Punjab & Another Decision of High Court dtd. 28.01.2010 in RFA No. 2348/1998 – referred to.*

CIVIL APPELLATE JURISDICTION: Civil Appeal Nos. 6744-6758 of 2022.

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HARPAL SINGH AND ANR. ETC. ETC. v. STATE OF PUNJAB 875
ETC. ETC.

From the Judgment and Order dated 01.05.2012 of the High A
Court of Punjab and Haryana at Chandigarh in RFAs No. 3941-3949,
3952, 3953, 4485 of 2007 and 1448, 2871, 3974 of 2008.

With

Civil Appeal Nos. 6740-6743, 6734-6739 of 2022 B

Rameshwar Singh Malik, Sr. Adv., Naresh Kaushal, Dinesh
Verma, Subhasish Bhowmick, Somvir Singh Deswal, Satbir Singh Pillania,
Kuldeep Singh Bhakar, Diwan Singh Chauhan, Nischal Kumar Neeraj,
Amit Kumar Saroha, Ravindra Bana, Advs. for the Appellants.

Ms. Rooh-e-hina Dua, Harshit Khanduja, Kanishak Bunderwal, C
Ashok K. Mahajan, Dr. Monika Gusain, Avi Dhankhar, Advs. for the
Respondents.

The Judgment of the Court was delivered by

M. R. SHAH, J.

1. As common question of law and facts arise in these group of D
appeals, all these appeals are being decided and disposed of by this
common judgment and order.

2. Feeling aggrieved and dissatisfied with the impugned common E
judgment(s) and order(s) dated 01.05.2012 / 02.03.2009 / 09.11.2009
passed in the respective first appeals, the particulars of which are as
under:-

Sl. No.	Particulars	RFA No.	Date of Order	Section 4 Notification date
1.	Harpal Singh and Anr. Vs. State of Punjab	3941/2007	01.05.2012	21.11.2002
2.	Parkash Singh (Dead) Thr. LRs. Vs. State of Punjab	3942/2007	01.05.2012	21.11.2002
3.	Ajaib Singh and Ors. Vs. State of Punjab	3943/2007	01.05.2012	21.11.2002
4.	Gian Singh and Ors. Vs. State of Punjab and Anr.	3944/2007	01.05.2012	21.11.2002
5.	Amirk Singh and Ors. Vs. State of Punjab	3945/2007	01.05.2012	21.11.2002
6.	Parkash Singh (Dead) Thr. LRs. and Ors. Vs. State of Punjab	3946/2007	01.05.2012	21.11.2002
7.	Bakhtaur Singh (Dead) Thr. LRs. Vs. State of Punjab and Ors.	3947/2007	01.05.2012	21.11.2002

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A	1.	Bachan Singh (Dead) Thr. LRs. Vs. State of Punjab	3948/2007	01.05.2012	21.11.2002
	2.	Labh Singh (Dead) Thr. LRs. and Anr. Vs. State of Punjab	3949/2007	01.05.2012	21.11.2002
	3.	Ajmer Singh and Anr. Vs. State of Punjab	3952/2007	01.05.2012	21.11.2002
B	4.	Sajjan Singh Vs. State of Punjab	3953/2007	01.05.2012	21.11.2002
	5.	Tarlochan Singh and Ors. Vs. State of Punjab and Ors.	4485/2007	01.05.2012	21.11.2002
	6.	Gurdev Singh and Ors. Vs. State of Punjab and Anr.	1448/2008	01.05.2012	21.11.2002
C	7.	Amar Singh and Ors. Vs. State of Punjab	2871/2008	01.05.2012	21.11.2002
	8.	Gurdip Singh and Ors. Vs. State of Punjab	3974/2008	01.05.2012	21.11.2002
	9.	Mehar Singh and Anr. Vs. State of Punjab	784/2007	02.03.2009	21.02.2000
D	10.	Mewa Singh (Dead) and Ors. Vs. State of Punjab	783/2007	02.03.2009	21.02.2000
	11.	Jagir Singh (dead) and Ors. Vs. State of Punjab	2715/2007	02.03.2009	21.02.2000
	12.	Norata Singh (Dead) and Ors. Vs. State of Punjab	4319/2006	02.03.2009	21.02.2000
E	13.	Hardial Singh (Dead) and Ors. Vs. State of Punjab and Anr.	4300/2006	09.11.2009	21.02.2000
	14.	Jagir Singh (Dead) and Ors. Vs. State of Punjab and Anr.	1614/2000	28.01.2010	21.02.2000
F	15.	Nasib Singh and Anr. Vs. State of Punjab and Ors.	3112/2005	02.03.2009	21.02.2000
	16.	Sher Singh (Dead) Thr. LRs. and Anr. Vs. State of Punjab	4318/2006	02.03.2009	21.02.2000
	17.	Manjit Kaur Vs. State of Punjab and Anr.	4088/2007	02.03.2009	21.02.2000
G	18.	Karnail Singh and Ors. Vs. State of Punjab and Anr.	1468/2008	09.11.2009	21.02.2000

determining the compensation @ Rs. 19,85,700/- per acre in respective first appeals, except RFA No. 1614 of 2000, the original claimants/
H landowners have preferred the present appeals.

2.1 In RFA No.1614 of 2000, the High Court has awarded the compensation @ Rs. 7,80,000/- per acre. A

3. At the outset, it is required to be noted that while determining the amount of compensation @ Rs. 19,85,700/- per acre in the respective first appeals, the High Court has relied upon its earlier decision in the case of **Surjit Singh Vs. State of Punjab & Another (RFA No. 3004/2006 decided on 2.3.2009)**. So far as Civil Appeal arising out of RFA No. 1614 of 2000 is concerned, the High Court has determined the amount of compensation @ Rs. 7,80,000/- per acre alongwith solatium relying upon its earlier decision in the case of **Kapoor Singh Vs. The State of Punjab & Another (RFA No. 2348/1998 decided on 28.01.2010)**. B C

4. It is not in dispute that the aforesaid decisions of the High Court in the cases of **Surjit Singh (supra) & Kapoor Singh (supra)** were the subject matter of appeals before this Court. In the case of **Kapoor Singh (supra)** and other allied first appeals, this Court has enhanced the amount of compensation by a further sum of Rs.1,00,000/- and in the case of **Surjit Singh (supra)**, the same has been enhanced by a further sum of Rs. 2,00,000/- per acre, payable by the Greater Mohali Area Development Authority with interest and solatium as prescribed by the Statute from the date of the orders passed by the High Court (**vide common order dated 15.01.2014 passed in Civil Appeal Nos. 738-748/2014 – Kapoor Singh Vs. State of Punjab & Another Etc. and Civil Appeal No. 363/2013 – Surjit Singh Vs. State of Punjab & Anr. Etc.**). D E

5. It is not in dispute that the landowners in the present appeals are also similarly situated. As observed hereinabove, while determining the compensation by the impugned common judgment and order/s, the High Court has relied upon its earlier decisions in the cases of **Surjit Singh (supra) & Kapoor Singh (supra)** respectively. Therefore, the present appeals are also required to be disposed of in terms of the decision of this Court in the cases of **Surjit Singh (supra) & Kapoor Singh (supra)**, by enhancing the amount of compensation by a further sum of Rs.2,00,000/- per acre and Rs. 1,00,000/- per acre respectively. However, there is a substantial delay in preferring the first appeals. Therefore, we deem it appropriate to deny the statutory benefits including interest on the enhanced amount of compensation from the date of the judgment/s and order/s passed by the High Court till the present appeals (special leave petitions) have been preferred before this Court. F G H

- A 6. In view of the above facts, all these appeals are partly allowed. Accordingly, we enhance the amount of compensation payable to the landowners by a further sum of Rs. 1,00,000/- per acre in Civil Appeal arising out of RFA No. 1614 of 2000 dated 28.01.2010. We enhance the amount of compensation payable to the landowners by a further sum of
- B Rs. 2,00,000/- per acre in remaining Civil Appeals arising out of impugned common judgment(s) and order(s) dated 01.05.2012/02.03.2009/09.11.2009. It is also ordered that the original landowners shall be entitled to solatium as prescribed under the statute on the enhanced amount of compensation. It is also further ordered that the original landowners/claimants shall not be entitled to any statutory benefits including the
- C interest under the Land Acquisition Act from the date of respective judgment(s) and order(s) passed by the High Court till the filing of the appeals in this Court. The enhanced amount of compensation shall be deposited by the Greater Mohali Area Development Authority within three months from today before the Reference Court.
- D 7. All these appeals are accordingly disposed of in the aforesaid terms. However, in the facts and circumstances of the case, there shall be no order as to costs.

Divya Pandey
(Assisted by : Deepak Panwar, LCRA)

Appeals disposed of.