

(2017) 15 SCC 557

SUPREME COURT OF INDIA

Case No: C.A. No. 10200 of 2017 [@ Special Leave Petition Â© No 1273 of 2016]

M.P. Housing Board
(Now Known as M.P
Housing and
Infrastructure
Development Board)
And Ors.

APPELLANT

Vs

Purushottam Lal And
Ors.

RESPONDENT

Date of Decision: Aug. 4, 2017

Acts Referred:

- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Section 48, Section 4(1)

Citation: (2017) 15 SCC 557

Hon'ble Judges: Kurian Joseph, J; R. Banumathi, J

Bench: Division Bench

Advocate: PRAMOD DAYAL, SUNNY CHOUDHARY

Final Decision: Disposed Of

Judgement

1. Leave granted.

2. This litigation has a chequered history. However, in the larger interest of the parties, we are happy to note that the entire disputes have been given a quietus in a court-involved settlement.

3. The Land Acquisition proceedings were initiated issuing Section 4(1) Notification at the instance of the Madhya Pradesh State Housing Board in the year 1996. According to the

Housing Board, they had deposited the entire compensation with the Land Acquisition Collector. But it is not in dispute that the compensation has not been paid to the land owners. In view of the introduction of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, "2013 Act") with effect from 01.01.2014, the acquisition proceedings lapsed, though possession had been taken by the Board, and partly developed also. The respondents had approached the High Court with regard to certain disputes on compensation and only fortuitously, they got the declaration on lapse.

4. On a direction issued by this Court, the State Government has filed a report indicating that the compensation in terms of the acquisition proceedings is only around Rs. 33 Lakhs. But since the acquisition has lapsed, the owners would have to be awarded the compensation under the 2013 Act in case the Board still needs the land. The market value is Rs. 24 Crores and odd, as in 2017-2018, as is reported by the State.

5. One offer given was that though the land owners are entitled to 100% solatium in terms of Section 48, they are prepared in larger public interest to forgo the solatium in case they get four housing plots. The learned senior counsel appearing for the Housing Board submits that since the Housing Board has to plan the housing for the purpose of weaker sections, it will be in the interest of both sides not to allot houses to the land owners and, therefore, it is suggested that the compensation in terms of the value of the plots given also be added and the whole thing could be finished in one go. Having regard to the peculiar facts of this case, the learned counsel on both sides, on instruction, requested the court to settle the whole disputes by fixing an appropriate amount. Having regard to the large extent of land, we are of the view that the entire compensation be fixed at Rs. 27.50 Lakhs. The suggestion has been fairly accepted by both sides. Therefore, the entire claims in respect of the land of the respondents will be settled by the Housing Board by paying Rs. 27,50,00,000/- (Rupees Twenty Seven Crores and Fifty Lakhs) by way of a one-time compensation.

6. We make it clear that this is in full and final settlement of all the claims and there shall be no further claims. The above amount shall be paid to the respondents within a period of two months from today. It is made clear that in case the amount is not paid within two months, the same shall accrue interest at the rate of 18% p.a. and the officers responsible for the delay shall be personally liable for the same.

7. With the above observations and directions, this appeal is disposed of.

No costs.