

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RFA No. 1881 of 2003 (O&M)
LAC No. 360 of 16.12.2000**

Date of decision : 16.11.2015

State of Haryana and another	..	Appellants
versus		
Krishan and another	..	Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 1881 to 1911, and 2097 of 2003, as the same arise out of common acquisition.

By filing appeal, the landowners are seeking enhancement of compensation for the acquired land, whereas by filing appeals, the State of Haryana is seeking reduction thereof.

Briefly, the facts are that vide notification dated 8.1.1998, published on 9.1.1998, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire land situated in village Bahbalpur, Hadbast No.67, Tehsil and District Hisar, for construction of Juglan Sub Minor. Notification under Section 6 of the Act was issued on 20.7.1998. The Land Acquisition Collector (for short, 'the Collector') vide award no.1-H dated 10.4.2000, assessed the market value of the acquired land @ ₹ 1,20,000/- per acre for nehri and ₹ 40,000/- per acre for Tibba, Tal and gair mumkin kind of land. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below vide award dated 29.1.2003 determined the market value of the acquired land @ ₹ 1,20,000/- per acre for nehri, ₹ 70,000/- per acre for Tibba, Tal and gair mumkin kind of land, and ₹ 1,20,000/- per acre for the land abutting National Highway bearing rectangle no. 106, killa nos. 5 and 7

irrespective of its kind. This award has been impugned in the present set of appeals by both the parties.

The land in question acquired for Juglan Sub Minor is total 15.89 acres owned by 82 persons. Meaning thereby small small portions of land, owned by number of landowners, was acquired. It was for the reason that the acquisition was for a strip of land. The Reference Court has merely increased compensation for Tibba, Tal and gair mumkin kind of land from ₹ 40,000/- per acre to ₹ 70,000/- per acre and further assessed the compensation @ ₹ 1,20,000/- per acre for the land abutting the National Highway, part of which may be even nehri land, for which the compensation was already assessed @ ₹ 1,20,000/- by the Collector. The assessment of compensation for the land abutting the National Highway is only for killa nos. 5 and 7 of rectangle no.106.

Considering the aforesaid aspect, I do not find any reason to interfere with the impugned award in the appeals filed by the State. Accordingly, the appeals filed by the State are dismissed. As none has appeared for the landowners, the appeal filed by the landowners is dismissed in default.

16.11.2015
vs

(Rajesh Bindal)
Judge