

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 2844 of 1992 (O&M)
Date of decision: 20.5.2015

Sajni

.. Appellant

v.

The State of Haryana and another

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ajay Jain, Mr. B. S. Chahar, Mr. Abhishek Dhull for
Mr. Amit Jain, Advocates for the landowners.

Mr. Raj Kumar Makkad, Deputy Advocate General, Haryana.

...

Rajesh Bindal J.

This order will dispose of RFA Nos. 2844 to 2846, 2933 to 2935, 2937 to 2941, 3001 of 1992, 2544 of 1993, 386 of 1998, 983 and 1063 of 2002, as common questions of law and facts are involved.

In the appeals filed by the landowners, they are seeking enhancement of compensation for the acquired land, whereas in the appeal filed by the State, the prayer is for reduction thereof.

However, the facts have been extracted from RFA No. 2844 of 1992.

Briefly, the facts of the case are that vide notification dated 7.9.1988, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire 2,131 kanals and 14 marlas of land, situated in village Agroha, Tehsil and District Hisar for consruction of Maharaja Aggarsain Institute of Medical Research and Education, Agroha. The same was followed by notification dated 12.1.1989, issued under Section 6 of the Act. Vide award dated 25.3.1989, the Land

Acquisition Collector (for short, 'the Collector), assessed the compensation as under:

“Nehri land:	₹ 40,000/- per acre
Tal land:	₹ 20,000/- per acre
Tibba land:	₹ 14,000/- per acre
Gair Mumkin land:	₹ 55,000/- per acre”

Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below, vide award dated 5.3.1992, determined the market value of the acquired land as under:

“Nehri land:	₹ 50,000/- per acre
Tal land:	₹ 25,000/- per acre
Tibba land:	₹ 17,500/- per acre
Gair Mumkin land:	₹ 68,750/- per acre”

It is this award which is challenged by the landowners as well as State in the present appeals.

Learned counsel for the landowners submitted that the land in question was acquired for setting up of Maharaja Aggarsain Institute of Medical Research and Education, Agroha. There were two awards passed by the Collector. In case of some of the landowners, who had negotiated with the Government, the amount of compensation was determined as under:

Nehri land:	₹ 60,000/- per acre
Tal land:	₹ 40,000/- per acre
Tibba land:	₹ 28,000/- per acre
Gair Mumkin land:	₹ 75,000/- per acre

In the case of the landowners, who had not negotiated, the compensation was determined as under:

Nehri land:	₹ 40,000/- per acre
Tal land:	₹ 20,000/- per acre
Tibba land:	₹ 14,000/- per acre
Gair Mumkin land:	₹ 55,000/- per acre

Even the landowners, who initially had negotiated the amount of compensation with the Government, did not accept the same and filed objections. The same were referred to the court for determination, wherein the Reference Court, vide award dated 4.10.1997, assessed the compensation as under:

Nehri land:	₹ 50,000/- per acre
Tal land:	₹ 40,000/- per acre
Tibba land:	₹ 20,000/- per acre
Gair Mumkin land:	₹ 75,000/- per acre.

The same was upheld by this Court in RFA No. 388 of 1998—Pala Singh and another v. State of Haryana and another, decided on 22.8.2008.

The submission is that once the State itself had agreed for grant of compensation at a higher rate, the Reference Court could not have determined the same at a rate lower than that. There is a complete bar for that under Section 25 of the Act. The landowners in the present set of appeals are entitled to the same amount of compensation. In the alternative, the submission is that in any case, the landowners are entitled to compensation, which had been paid to the set of landowners, who though initially had negotiated with the Government, but while not accepting the negotiated amount. In their case, in terms of the judgment of this court in Pala Singh's case (supra), the amount awarded for three categories of land, namely, Tal, Tibba and Gair Mumkin is higher as compared to the compensation awarded to the present landowners. As the acquisition of land is vide same notification and for the same purpose and is of one chunk of land, the landowners in the present set of appeals are also entitled to the same amount of compensation.

On the other hand, learned counsel for the State, while not disputing the fact that the present landowners are entitled to compensation in terms of the rates at which the compensation was awarded to the landowners in Pala Singh's case (supra), submitted that there is no application of the provisions of Section 25 of the Act in the present case, as the amount, as was determined by the State on negotiation with a set of

landowners, was not accepted by them. In fact, none of the landowners had been paid compensation at that rate. Even the landowners, who had initially negotiated, but later on filed objections, have also been awarded compensation in terms of the judgment of this court in Pala Singh's case (supra), whereby the award of the learned Reference Court was upheld.

Heard learned counsel for the parties and perused the paper book.

The basic fact that the land in question was acquired for the purpose of construction of Maharaja Aggarsain Institute of Medical Research and Education, Agroha is not in dispute. There were two sets of awards of the Collector. Firstly, in the cases of the landowners, who negotiated and entered into an agreement with the State, the amount of compensation was determined as under:

Nehri land:	₹ 60,000/- per acre
Tal land:	₹ 40,000/- per acre
Tibba land:	₹ 28,000/- per acre
Gair Mumkin land:	₹ 75,000/- per acre

Secondly, in the cases of other set of landowners, who did not opt for negotiation, the Collector vide its award determined the compensation as under:

Nehri land:	₹ 40,000/- per acre
Tal land:	₹ 20,000/- per acre
Tibba land:	₹ 14,000/- per acre
Gair Mumkin land:	₹ 55,000/- per acre

Even the landowners, who had initially negotiated the amount of compensation, did not accept the same and filed objections. The same were referred to the court. The Reference Court vide award dated 4.10.1997 assessed the compensation @ ₹ 50,000/- per acre for Nehri land; ₹ 40,000/- per acre for Tal land; ₹ 20,000/- per acre for Tibba land and ₹ 75,000/- per acre for Gair Mumkin land. The same was subject-matter of challenge before this Court in Pala Singh's case (supra), wherein the award of the Reference Court was upheld. Meaning thereby, even in the cases of the

landowners, who though initially negotiated the rates with the Government but having not accepted the same, none has been paid the compensation at the rates negotiated. The amount of compensation paid even to those landowners was in terms of the award of the Reference Court dated 4.10.1997, which was upheld by this court in Pala Singh's case (supra).

In the cases of the landowners in the present set of appeals, the Reference Court, vide award dated 5.3.1992, assessed the compensation at the following rates:

“Nehri land:	₹ 50,000/- per acre
Tal land:	₹ 25,000/- per acre
Tibba land:	₹ 17,500/- per acre
Gair Mumkin land:	₹ 68,750/- per acre”

It is not in dispute that acquisition of land, the assessment of compensation of which was subject-matter of dispute in Pala Singh's case (supra) and in the present set of appeals was vide same notification and for the same purpose. It was one big chunk of land. Hence, all the landowners shall be entitled to same amount of compensation. Accordingly, the landowners in the present set of appeals are also held entitled to compensation @ ₹ 50,000/- per acre for Nehri land; ₹ 40,000/- per acre for Tal land; ₹ 20,000/- per acre for Tibba land and ₹ 75,000/- per acre for Gair Mumkin land.

As far as the contention raised by learned counsel for the landowners that the amount of compensation payable to the landowners could not be less than what was determined by the Collector, there being a bar under Section 25 of the Act, is merely to be noticed and rejected in the present case. It is not in dispute that none of the landowners was paid the compensation at the rates initially negotiated. Even those landowners had also filed objections and were finally paid the compensation @ ₹ 50,000/- per acre for Nehri land; ₹ 40,000/- per acre for Tal land; ₹ 20,000/- per acre for Tibba land and ₹ 75,000/- per acre for Gair Mumkin land. Hence, no reliance can be placed upon the award of the Collector passed in terms of the negotiations with a set of landowners as the same was not accepted even by them.

In view of my aforesaid discussions, the landowners in the present set of appeals are held entitled to compensation @ ₹ 50,000/- per acre for Nehri land; ₹ 40,000/- per acre for Tal land; ₹ 20,000/- per acre for Tibba land and ₹ 75,000/- per acre for Gair Mumkin land. They shall also be entitled to all statutory benefits available to them under the Act.

Accordingly, the appeals filed by the landowners are accepted, whereas the appeal filed by the State is dismissed.

(Rajesh Bindal)
Judge

20.5.2015
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(Refer to Reporter)