

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

RFA No. 976 of 1993 (O&M)

Date of decision : 6.11.2015

Sh. Ghasita (deceased) through LRs

... Appellant

vs

The State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ram Bilas Gupta, Advocate, for the appellant.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

By filing the appeal, the landowner is seeking enhancement of compensation for the acquired land.

Briefly, the facts of the case are that vide notification issued on 1.10.1973, under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land situated in village Mewla Maharaj Pur, Tehsil Ballabgarh, District Faridabad, for development and utilization thereof as residential area in Sector 28 in Ballabgarh-Faridabad Controlled Area. It was followed by notification issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award No.15, dated 22.2.1974, assessed compensation for the acquired land @ ₹ 210/- per marla. Dissatisfied with the award of the Collector, the land owner filed objections. On reference under Section 18 of the Act, the learned court below, assessed the market value of the acquired land @ ₹ 18/- per square yard. This award has been impugned before this court by the landowner.

Learned counsel for the landowner submitted that though this Court in RFA No.1534 of 1977—Radhey Shyam v. The State of Haryana and others, decided on 18.4.1979, had decided the case pertaining to the acquisition of land vide same notification while upholding the award of the

learned reference court granting compensation @ ₹ 18/- per square yard, however, still considering the judgment of Hon'ble the Supreme Court in Civil Appeal No.7377 of 2008—Bhupal Singh and others v. State of Haryana, decided on 1.4.2015, wherein compensation for the land acquired by notification dated 4.11.1977, was assessed @ ₹ 63/- per square yard and the land pertaining thereto is located just opposite the land in question, the landowner in the present case be also granted compensation by applying a reasonable cut for the time gap.

On the other hand, learned counsel for the State submitted that the claim made by the landowner being covered by the judgment of this Court, different amount of compensation cannot be granted to one landowner, when all other landowners have been paid the same amount of compensation.

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

The landowner in the present case has been granted compensation @ ₹ 18/- per square yard, which is in consonance with the judgment of this Court in Radhey Shyam's case (supra). Hence, no case for enhancement of compensation is made out.

Contention of learned counsel for the landowner that the amount awarded for acquisition of land by notification dated 4.11.1977, about four years after the acquisition in question be relied upon and the amount of compensation be assessed by applying a reasonable cut, is merely to be noticed and rejected, as one landowner whose isolated appeal remained pending, cannot be granted compensation different than what has been awarded to other landowners, whose land was acquired vide same notification.

For the reasons mentioned above, the present appeal is dismissed.

(Rajesh Bindal)
Judge

6.11.2015

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