

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 50 of 1995 (O&M)
Date of decision: 24.8.2015

Ram Gopal and another

.. Appellants

v.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. S. K. Jain, Advocate for the appellants.

Mr. Vishal Garg, Addl. Advocate General, Haryana.

...

Rajesh Bindal J.

This order will dispose of RFA Nos. 50 to 53 and 118 of 1995, as the same arise out of common acquisition.

The landowners are in appeal seeking further enhancement of compensation for the acquired land.

Briefly, the facts of the case are that vide notification dated 2.3.1987, published on 24.3.1987, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire 8.21 acres of land, situated in the revenue estate of Jind, Tehsil and District Jind for widening of Jind-Safidon road section Jind to Jamni. The same was followed by notification dated 3.11.1987, published on 8.10.1987, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 29.12.1988, assessed the compensation @ ₹ 84,000/- per acre for Nehri and Gair Mumkin land and ₹ 70,080/- per acre for Chahi land. Aggrieved against the award of the Collector, the landowners filed objections which were referred to the learned court below, who keeping in view the material placed on record by

the parties, determined the fair value of the acquired land ₹ 1,10,000/- per acre irrespective of the category of land. It is the aforesaid award, which has been impugned in the present appeals.

Learned counsel for the landowners submitted that the land in question was acquired for the purpose of widening of Jind-Safidon road section Jind to Jamni. It pertains to the revenue estate of Jind located within the city. The acquired land otherwise was situated within the municipal limits. The compensation of ₹ 1,10,000/- per acre awarded is quite on lesser side as the sale deeds produced on record by the landowners have not been considered.

On the other hand, learned counsel for the State very fairly submitted that for the land acquired for the same purpose vide notification dated 24.3.1987, three weeks after the acquisition in question, this court in RFA No. 1295 of 1991-Ratti Ram and others v. State of Haryana, decided on 4.12.2009, had awarded compensation of ₹ 1,21,000/- per acre.

In response, learned counsel for the landowners submitted that considering the fact that the land of village Haibatpur, which was under consideration in Ratti Ram's case (supra) was not located within the municipal limits of Jind, whereas the land in question was located within the municipal limits of Jind, hence, the landowners in the present case deserve to be awarded higher compensation, as even the Collector had also assessed the compensation at a higher rate as compared to the land of village Haibatpur.

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

It is not in dispute that that vide notification dated 2.3.1987, issued under Section 4 of the Act, land measuring 8.21 acres, situated in the revenue estate of Jind, Tehsil and District Jind was acquired for widening of Jind-Safidon road section Jind to Jamni. The Collector assessed the compensation @ ₹ 84,000/- per acre for Nehri and Gair Mumkin land and ₹ 70,080/- per acre for Chahi land. The acquired land is located within the municipal limits. The valuation of land under consideration in Ratti Ram's case (supra) was pertaining to the land acquired for the same purpose,

where notification under Section 4 of the Act was issued on 24.3.1987. The aforesaid land was situated outside the municipal limits of Jind. The Collector assessed the market value of the acquired land in that case @ ₹ 45,600/- per acre. The Reference Court awarded compensation @ ₹ 70,600/- per acre. This Court in Ratti Ram's case (supra) had assessed the value of the land pertaining to village Haibatpur acquired for the same purpose almost at the same time @ ₹ 1,21,000/- per acre.

Considering the fact that the land in question is located within the municipal limits of Jind and the land in the municipal area always has better value, as compared to the value of the land located outside and applying a thumb rule, the landowners in the present case deserve to be granted compensation @ ₹ 1,30,000/- per acre. Ordered accordingly. The land owners shall also be entitled to all the statutory benefits available to them under the Act.

For the reasons mentioned above, the appeals are allowed. The award of the learned court below is modified to the extent indicated above.

(Rajesh Bindal)
Judge

24.8.2015
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