

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

Cross-Objections Nos.12-CI and 4-CI of 1998 and
RFA No.1703 of 1997 (O&M)
Date of decision: 25.8.2015

State of Haryana and another

..... Appellants

Versus

Diwan Chand and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

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

Mr. Sandeep, Advocate, for respondent No.1/cross-objector in
Cross-objections Nos.11-CI and 12-CI of 1998.

Mr. Ashwani Talwar, Advocate, for respondents No.2 to 9/
cross-objectors in Cross-objections Nos.4-CI and 6-CI of 1998.

RAJESH BINDAL, J

This order will dispose of two appeals bearing RFA No.1703 and 1895 of 1997 and four cross objections bearing Nos.4-CI, 6-CI, 11-CI and 12-CI of 1998, as common questions of law and facts are involved therein. However, the facts have been taken from RFA No.1703 of 1997.

The State is in appeal seeking reduction in the amount of compensation awarded to the landowners, whereby, by filing cross-objections, the landowners are seeking enhancement thereof.

Briefly the facts are that vide notification dated 5.7.1993 issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), the State of Haryana sought to acquire land measuring 1.41 acres situated within the revenue estate of village Patti Taraf Insar, Tehsil and District Panipat, for public purpose. The same was followed by notification dated 31.12.1995, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), assessed the market value of the acquired land @ ₹ 3,25,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 2.5.1997, determined the market value of the acquired land @ ₹ 120/- per square yard.

Learned counsel for the landowners submitted that prior to the acquisition in question, big chunk of land was acquired by the State for the same purpose, where notification under Section 4 of the Act was issued on 10.5.1989. Acquired land in the present case was small left over portion measuring 1.41 acres, where notification under Section 4 of the Act was issued on 5.7.1993 after a gap of four years. The compensation for the land, which was earlier acquired, was assessed by this Court @ ₹ 139/- per square yard vide judgment dated 27.5.2009 passed in RFA No.2213 of 1995—Kasturi Lal and others v. The State of Haryana and others. Learned counsel for the landowners further referred to judgment of this Court passed in RFA No.4778 of 2001—Daljeet Singh v. State of Haryana and another, decided on 3.2.2010, wherein while granting increase @ 12% per annum on ₹ 139/- per square yard in the case where notification under Section 4 of the Act was issued on 2.3.1993, compensation was assessed @ ₹ 206/- per square yard. The submission is that the landowners in the present case be also awarded compensation by granting increase @ 12% per annum for the time gap in two acquisitions.

Learned counsel for the State did not dispute the fact that for the acquired land earlier in the same area and for the same purpose, this Court had assessed compensation @ ₹ 139/- per square yard in Kasturi Lal's case (supra) and on the settled principles of law that the landowners are entitled to increase for the time gap in two acquisitions.

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

The undisputed facts on record are that the land for the same purpose in the same area was acquired by the State, where notification under Section 4 of the Act was issued on 10.5.1989. The valuation of the aforesaid land was subject matter of consideration before this Court in Kasturi Lal's case (supra), whereby it was assessed @ ₹ 139/- per square yard. The acquired land in the present case is small left out portion measuring 1.41 acres, where notification under Section 4 of the Act was issued on 5.7.1993. There is a time gap of about four years in two acquisitions. In terms of settled principles of law and considering the fact that with the acquisition of land earlier in the area for the purpose of urbanisation, the area had been developed, in my opinion, the landowners

are entitled to increase @ 12 % per annum for the time gap. After adding same for a period of four years, the amount of compensation payable to the landowners in the present case would come out to ₹ 206/- per square yard.

For the reasons mentioned above, the appeals filed by the State are dismissed and the cross-objections filed by the landowners are allowed. The amount of compensation payable to the landowners is determined @ 206/- per square yard. The landowners shall also be entitled to all the statutory benefits available under the Act.

(RAJESH BINDAL)
JUDGE

25.8.2015

sharmila