

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

RFA No. 484 of 1997 (O&M)

Date of decision : 11.8.2015

Ram Parshad and others

.. Appellants

versus

The State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. C. B. Goel, Advocate, for the appellants.

Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of two appeals bearing RFA Nos. 484 and 1072 of 1997, as the same are cross appeals against the common award.

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

Briefly the facts are that vide notification dated 30.1.1989 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire land situated within the revenue estate of villages Salokhra and Sukhrali, Tehsil and District Gurgaon, for development and utilization thereof as residential and commercial, Sector-30, Gurgaon. Notification under Section 6 of the Act was issued on 25.1.1990. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 22.1.1992 assessed the market value of the acquired land @ ₹ 2,50,000/- 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 6.11.1996 determined the market value of the acquired land @ ₹ 10,70,550/- per acre. It is against this award which is impugned in both the appeals.

Learned counsel for the landowners could not dispute the fact that for the acquisition carried out in the same villages vide notification dated 17.4.1989 under Section 4 of the Act, this Court in RFA No. 1971 of 2002 Naut Ram and others vs State of Haryana and another, decided on 15.10.2010, had assessed the compensation @ ₹ 8,23,500/- per acre. The award of the Collector in both the cases was ₹ 2,50,000/- per acre. The learned Reference Court has awarded compensation to the landowners in the present case @ ₹ 10,70,550/- per acre. There is gap of three months between the two notifications.

Learned counsel for the State submitted that the amount of compensation as awarded by the learned Court below deserves to be reduced and the compensation be assessed @ ₹ 8,23,500/- per acre in terms of judgment of this Court in Naut Ram's case (supra).

Considering the judgment of this Court in Naut Ram's case (supra), whereby this Court assessed the compensation for the land acquired in the same villages vide notification under Section 4 of the Act dated 17.4.1989, @ ₹ 8,23,500/- per acre, the appeal filed by the landowners seeking enhancement of compensation is dismissed, whereas the appeal filed by the State seeking reduction in the amount of compensation is allowed. Accordingly, the amount of compensation for the acquired land is assessed @ ₹ 8,23,500/- per acre. The landowners shall also be entitled to all the statutory benefits as available to them under the Act. The appeal filed by the State is allowed and that of the landowners is dismissed.

11.8.2015
vs

(Rajesh Bindal)
Judge