

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

RFA No. 87 of 2003 (O&M)
LAC No. 120 of 2001

Date of decision : 20.11.2015

Jai Kishan

.. Appellant

versus

State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rajesh Goyal, Advocate for
Mr. Pritam Saini, Advocate, for the landowners.

Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 87 to 91, 914 to 921, 938 of 2003, 496 and 497 of 2004, as the same arise out of common acquisition.

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

Briefly, the facts are that vide notification dated 2.5.1988, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire land situated in village Taraf Afgan, Tehsil and District Panipat, for development and utilisation thereof as residential and commercial area in Sectors 11, 12 Part-II, Panipat. Notification under Section 6 of the Act was issued on 1.5.1989. The Land Acquisition Collector (for short, 'the Collector') vide award no. 1 dated 29.4.2001 and supplementary award no.5 dated 28.12.1999 assessed the market value of the acquired land @ ₹ 2,00,000/- per acre. Dissatisfied with the awards of the Collector, the landowners filed objections. On reference, the learned court below vide awards dated 7.9.2002, 4.6.2002, 27.7.2002 and 28.9.2002 dismissed the reference petitions and vide award

dated 2.12.2003, determined the market value of the acquired land @ ₹ 80/- per square yard. These awards have been impugned in the present set of appeals by both the parties.

Learned counsel for the landowners submitted that the learned court below has not awarded just and fair compensation for the acquired land keeping in view its location. The acquired land was surrounded by already developed Sectors 11 and 12 Part-I and Sectors 24 and 25, as it was left out portion from earlier acquisition. He further submitted that this Court in Jogi Ram and others vs State of Haryana 1997 (3) RCR (Civil) 377, for the land acquired in the area vide notification dated 15.12.1982 for development and utilisation thereof as residential/ commercial and Industrial Area in Sectors 11, 12 and 25 (Phase-II), in Urban Estate, Panipat, had assessed the compensation @ ₹ 80/- per square yard. The acquisition in the present case was in the same area, though later in time, increase @ 15% per annum cumulatively can be granted for the purpose of assessment of compensation considering the time gap between two notifications. The land in question is prime land.

On the other hand, learned counsel for the State submitted that the learned Court below has rightly rejected the claim of the landowners. No evidence was led by the landowners in support of their claim. However, he did not dispute the fact that acquisition in the area was earlier carried out vide notification dated 15.12.1982 for development and utilisation thereof as residential/ commercial and Industrial Area in Sectors 11, 12 and 25 (Phase-II), in Urban Estate, Panipat, and this Court in Jogi Ram's case (supra) had assessed the compensation @ ₹ 80/- per square yard. He fairly submitted that for the acquisition later in time in same area, the landowners are entitled to increase on the amount of compensation for the difference in period.

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

Acquired land in question is left out portion of the large chunk of land earlier acquired in the area for development as Sectors 11, 12 and 25 (Phase-II), Panipat. Earlier notification was issued on 15.12.1982. Valuation thereof was subject matter of consideration before this Court in Jogi Ram's

case (supra), where compensation was assessed @ ₹ 80/- per square yard. There is a time gap of about five years and five months. Considering the development in the area, in my opinion, the landowners herein deserve to be granted increase for a period of five years @ 12% per annum with cumulative effect. Reference can be made to judgment of Hon'ble the Supreme Court in The General Manager, Oil and Natural Gas Corporation Limited vs Rameshbhai Jivanbhai Patel and another, (2008) 14 SCC 745. If the aforesaid amount is added on ₹ 80/-, the compensation comes to ₹ 140.85, which is rounded off to ₹ 140/- per square yard.

Accordingly, the landowners in the present set of appeals shall be entitled to compensation @ ₹ 140/- per square yard. They shall also be entitled to all the statutory benefits available to them under the Act.

For the reasons mentioned above, the appeals filed by the landowners are allowed, whereas the appeals filed by the State are dismissed.

20.11.2015
vs

(Rajesh Bindal)
Judge