

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 2061 of 2005 (O&M)
Date of decision: 8.5.2015

Mani Ram and others

.. Appellants

v.

Land Acquisition Collector and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Anil Kshetarpal, Senior Advocate with
Mr. Saurabh Garg and Mr. S. S. Dinarpur, Advocates for
the landowners.
Mr. Raj Kumar Makkad, Deputy Advocate General, Haryana.

...

Rajesh Bindal J.

This order will dispose of a bunch of appeals bearing RFA Nos. 2061, 2062, 2146, 2179 to 2182, 2897 of 2005, 2287, 2288, 3700 and 4618 to 4620 of 2014, as common questions of law and facts are involved.

In the appeals filed by the landowners, they are seeking further enhancement of compensation for the acquired land awarded by the learned court below, whereas in the appeals filed by the State, the prayer is for reduction thereof.

The facts have been extracted from RFA No. 2061 of 2005 and 2287 of 2014.

Briefly, the facts of the case are that vide notification dated 10.5.2001, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire 1.38 acres of land, situated in village Garhi Mundon Hadbast No. 408 and 12.36 acres of land, situated in village Tejli Hadbast No. 409, Tehsil Jagadhri, District Yamuna Nagar for construction of road in Sector 15, Jagadhri. The same was

followed by notification dated 11.5.2001 issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 14.3.2002, assessed the market value of the land @ ₹ 6,00,000/- per acre. 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, vide awards dated 11.3.2005 and 8.10.2013, determined the fair value of the acquired land @ ₹ 225/- per square yard and ₹ 1,560/- per square meter, respectively. The aforesaid awards have been challenged by the landowners as well as State in the present set of appeals.

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

A perusal of the impugned award in RFA No.2287 of 2014 shows that while assessing the market value of the acquired land in the present case, the Reference Court had relied upon earlier award dated 30.7.2009 (Ex. P22), wherein notification under Section 4 of the Act was issued on 28.1.2002. The land acquired in that case was also of the same area. The aforesaid award was subject matter of appeal before this Court in RFA No. 5083 of 2009—Zora Singh v. State of Haryana and others, decided on 5.3.2014. In Zora Singh's case (supra), this court, while relying upon an earlier judgment dated 3.9.2008 in RFA No. 476 of 2004—Anoop Kumar v. State of Haryana and others, where notification under Section 4 of the Act was issued on 4.6.1997, determined the market value of the acquired land @ ₹ 2,402.40 per square yard by awarding increase @ 12% per annum for the time gap in two acquisitions. The relevance of aforesaid judgments is not disputed as the land acquired in those cases as well as the present set of appeals is of the same area. The notification under Section 4 of the Act in the present case is dated 10.5.2001. There is a gap of 3 years and 11 months in the two acquisitions. By awarding increase @ 12% per annum for the intervening period, the value of the acquired land in the present set of appeals is assessed @ ₹ 2,300/- (rounded off) per square yard. The landowners shall also be entitled to all the statutory benefits available under the Act.

Accordingly, the appeals filed by the landowners are accepted,
whereas the appeals filed by the State are dismissed.

(Raajesh Bindal)
Judge

8.5.2015
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