

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

RFA No. 739 of 2007 (O&M)

Date of decision : 19.11.2015

Manohar Lal Attree

.. Appellant

versus

State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Kul Bhushan Sharma, Advocate and
Mr. Sanjiv Roy, Advocate for Mr. Shiv Kumar, Advocate,
Mr. Arnav K. Sood, Advocate for Mr. Amit Jain, Advocate,
for the landowners.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 739, 1417, 1419, 1802, 2811, 2877 of 2007, 4951 of 2008, 2095 of 2009 and 1223 of 2011, as the same arise out of common acquisition.

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

Briefly, the facts are that vide notification dated 29.9.1998, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire 10.71 acres of land situated in village Unchagao and 1.91 acres of village Chandawali, Tehsil and District Faridabad, for development and utilisation thereof as institutional, residential and commercial area in Sector-64, Faridabad. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no.6 dated 7.9.2001 assessed the market value of the acquired land @ ₹ 7,82,070/- per acre for village Unchagaon and ₹ 4,08,325/- per acre for the acquired land of village Chandawali. Dissatisfied with the award of the Collector, the landowners filed

objections. On reference, the learned court below vide award dated 13.11.2006, dismissed the reference petitions of some of the landowners, and in some of the cases vide different awards determined the market value of the acquired land @ ₹ 465/- per square yard. These awards have been impugned in the present 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 is left over portion of the earlier acquisition. The area in the vicinity had already been developed. He submitted that the acquired land is surrounded by fully developed sectors but the court below has ignored all these factors while assessing the market value of the acquired land. The notification in the present case under Section 4 of the Act was issued on 29.9.1998. It was further submitted that earlier this court had assessed the value of the land of same villages acquired vide notification dated 12.5.1995 for the same very purpose @ ₹ 450/- per square yard vide judgment dated 3.5.2006 passed in RFA No. 2501 of 2001 - Ved Pal and others vs State of Haryana and others. Placing reliance thereon, the submission is that the value of the land in the present set of appeals should be assessed at the rate assessed by this court in the aforesaid case by granting increase @ 15% per annum for the time gap in the two notifications which is nearly three years and four months, keeping in view the potentiality and location of the land.

On the other hand, learned counsel appearing for the State submitted that just and fair compensation has been awarded by the court below after considering the evidence led by the parties. It is the left out portion of the earlier acquired land and the court below has granted considerable increase for the same, which does not call for any interference. However, he did not dispute the fact that acquisition in the area was earlier carried out vide notification dated 12.5.1995 for the same purpose, and this Court in Ved Pal's case (supra), this Court had assessed the compensation @ ₹ 450/- 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.

It is admitted case of the parties that the land in question is the left out portion of the land acquired earlier in the vicinity for the same very purpose. It is also admitted that this court in Ved Pal's case (supra), had determined the market value of the land acquired vide notification dated 12.5.1995 for the same very purpose @ ₹ 450/- per square yard. The present land was acquired vide notification dated 29.9.1998 i.e. after about three years and four months from the earlier notification. It was left out portion from the earlier acquisition. If the base is taken in terms of the value of the land as given in Ved Pal's case (supra) reasonable increase for time gap in between two acquisitions can very well be granted. Keeping in view the time gap of three years and four months between the two acquisitions, in my opinion, increase @ 12% per annum with cumulative effect on ₹ 450/- would be reasonable. If the aforesaid amount is added, the figure comes to ₹ 657/- per square yard, which is rounded off to ₹ 660/- per square yard.

Accordingly, the value of the acquired land in the present case is determined @ ₹ 660/- per square yard. The appellants shall also be entitled to the statutory benefits available under the Act.

The appeals are disposed of in the above terms.

19.11.2015
vs

(Rajesh Bindal)
Judge