

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RFA No. 241 of 2008 (O&M)  
LAC No. 574 of 2003

Date of decision : 20.11.2015

Natha Singh and others ..... Appellants  
vs  
State of Haryana and another .... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. P. S. Jammu and Mr. Deepak Jain, Advocates,  
for the landowners.

Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal J.

This order will dispose of RFA Nos. 241 to 248, 518 and 1190 of 2008, as the same arise out of common acquisition.

The landowners are seeking enhancement of compensation for the acquired land.

Briefly, the facts of the case are that the State of Haryana vide notification dated 16.5.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), sought to acquire land falling in the revenue estates of villages Madho Singhana, Nirban, Rupana, Nathusari Kalan and Ottu, Tehsil and District Sirsa for extension of Darba Ghaggar Drain from RD 0 to 109000 outfalling at RD 5400-Left Southern Ghaggar Canal. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no.2 dated 12.6.2003 assessed the market value of the acquired land at the following rates:-

| Sr. No. | Village         | Value of the nehri land in ₹ | Value of Barani land in ₹ |
|---------|-----------------|------------------------------|---------------------------|
| 1.      | Madho Singhana  | 1,75,000/-                   |                           |
| 2.      | Nirban          | 1,20,000/-                   | 60,000/-                  |
| 3.      | Rupana          | 1,20,000/-                   | 60,000/-                  |
| 4.      | Nathusari Kalan | 1,20,000/-                   | 60,000/-                  |
| 5.      | Ottu            | 2,25,000/-                   |                           |

Feeling 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 26.4.2007, determined the compensation of the acquired land at the following rates:-

| <b>Sr. No.</b> | <b>Village</b>  | <b>Value of the nehri land in ₹</b> | <b>Value of Barani land in ₹</b> |
|----------------|-----------------|-------------------------------------|----------------------------------|
| 1.             | Madho Singhana  | 2,60,000/-                          |                                  |
| 2.             | Nirban          | 2,00,000/-                          | 1,00,000/-                       |
| 3.             | Rupana          | 2,00,000/-                          | 1,00,000/-                       |
| 4.             | Nathusari Kalan | 2,00,000/-                          |                                  |
| 5.             | Ottu            | 3,25,000/-                          |                                  |

It is this award of the learned court below which is impugned in the present set of appeals by the landowners.

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 evidence led by the landowners in the form of sale-deed dated 22.12.1999, Ex.P1, was not considered by the learned Court below. He further submitted that it is extension of Darba Ghaggar Drain. Earlier the land was acquired for Darba Ghaggar Drain vide notification dated 9.5.2000 for which besides number of other villages, land pertaining to villages Madho Singhana, Nirban, Rupana and Nathusari Kalan was also acquired. The same was subject matter of appeal before this Court in RFA No. 3733 of 2007 Subhash Chand alias Subhash Chander vs State of Haryana and another decided on 14.1.2010, whereby award of the learned Court below awarding compensation of ₹ 3,10,000/- per acre for village Madho Singhana and ₹ 2,00,000/- per acre for nehri kind of land of villages Nirban, Rupana and Nathusari Kalan, ₹ 1,00,000/- per acre for barani kind of land of villages Nirban and Rupana; and ₹ 90,000/- per acre for the barani kind of land of village Nathusari Kalan was upheld. Notification in the present case was issued on 16.5.2002. There is a time gap of more than two years between the two notifications. The acquisition in the present case was in the same area, though later in time, increase @ 15% per annum can be granted for the purpose of assessment of compensation considering the time gap between the two notifications.

On the other hand, learned counsel for the State submitted that just and fair compensation was granted by the Collector, however, the

learned Court below without any evidence has wrongly increased the compensation. The sale-deed, Ex.P1, produced on record by the landowners was rightly not considered as no site plan showing the location of the acquired land and the land dealt with in the sale deed has been produced on record. However, he did not dispute the fact that acquisition in the area was earlier carried out vide notification dated 9.5.2000 for Darba Ghaggar Drain, and this Court in Subhash Chand alias Subhash Chander's case (supra) had upheld the award of the learned Court below.

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

The landowners in the present case has not placed on record any site plan showing the location of sale-deed 22.12.1999, Ex.P1, viz-a-viz the acquired land. In the absence of that, the same cannot be relied upon.

In the case in hand, the acquisition is for extension of Darba Ghaggar Drain. The earlier acquisition was carried out vide notification under Section 4 of the Act on 9.5.2000. This Court in Subhash Chand alias Subhash Chander's case (supra) had upheld the award of the learned Court below assessing compensation for the land acquired vide notification under Section 4 of the Act dated 9.5.2000 at the following rates:-

| <b>Sr. No.</b> | <b>Village</b>  | <b>Value of the nehri land in ₹</b> | <b>Value of Barani land in ₹</b> |
|----------------|-----------------|-------------------------------------|----------------------------------|
| 1.             | Madho Singhana  | 3,10,000/-                          |                                  |
| 2.             | Nirban          | 2,00,000/-                          | 1,00,000/-                       |
| 3.             | Rupana          | 2,00,000/-                          | 1,00,000/-                       |
| 4.             | Nathusari Kalan | 2,00,000/-                          | 90,000/-                         |
| 5.             | Ottu            | 4,00,000/-                          |                                  |

There is a time gap of more than two years between the two acquisitions. In the absence of any relevant sale-deed produced on record by the landowners, but still considering the aforesaid facts, in my opinion, the landowners in the present case deserve to be granted increase for the time gap in two acquisitions @ 12% per annum. After addition, the amount of compensation would come out to ₹ 3,84,400/- per acre of village Madho Singhana (which is rounded off to ₹ 3,85,000/- per acre); ₹ 4,96,000/- per acre of village Ottu, ₹ 2,48,000/- per acre of villages Nirban, Rupana and Nathusari Kalan for nehri kind of land (which is rounded off to ₹ 2,50,000/- per acre), ₹ 1,24,000/- per acre for barani kind of land of villages Nirban

and Rupana (which is rounded off to ₹ 1,25,000/- per acre); and ₹ 1,11,600/- per acre for the barani kind of land of village Nathusari Kalan (which is rounded off to ₹ 1,12,000/- per acre).

For the reasons mentioned above, the appeals are allowed. The landowners are awarded compensation @ ₹ 3,85,000/- per acre of village Madho Singhana, ₹ 4,96,000/- per acre of village Ottu, ₹ 2,50,000/- per acre of villages Nirban, Rupana and Nathusari Kalan for nehri kind of land, ₹ 1,25,000/- per acre for barani kind of land of villages Nirban and Rupana; and ₹ 1,12,000/- per acre for the barani kind of land of village Nathusari Kalan. They shall also be entitled to all the statutory benefits available to them under the Act.

20.11.2015  
vs.

**(Rajesh Bindal)**  
**Judge**