

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

RFA No. 4753 of 2008 (O&M)

Date of decision :14.12.2015

State of Haryana and others

... Appellants

vs

Diwan Singh

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Abhinash Jain, Assistant Advocate General, Haryana.

None for the landowner.

Rajesh Bindal, J.

This order will dispose of a bunch of appeals bearing RFA Nos.4753 to 4770, 5000 of 2008 and 68 of 2009, as common questions of law and facts are involved therein.

The State is in appeals seeking reduction of compensation for the acquired land, whereas the landowner is in appeal seeking enhancement thereof.

Briefly, the facts of the case are that State of Haryana vide notification dated 2.12.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land measuring 34 acres 3 kanals 18 marlas situated in village Jhajjar, Tehsil and District Jhajjar for construction, augmentation and extension of water supply and channel. The same was followed by notification dated 7.2.2003, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award No.1 dated 2.4.2003, assessed the market value of the acquired land @ ₹ 5,00,000/- per acre for Nehri/Chahi land; ₹ 3,00,000/- per acre for Barani land and ₹ 2,40,000/- per acre for Gair Mumkin kind of land. 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, assessed the compensation

for the acquired land @ ₹ 6,00,000/- per acre for Nehri/Chahi land; ₹ 4,50,000/- per acre for Barani land and ₹ 4,00,000/- per acre for Gair Mumkin kind of land. This award has been impugned by the landowner as well as by the State before this Court.

The acquired land in question is located in the periphery of old town Jhajjar. It was acquired for the purpose of construction, augmentation and extension of water supply and channel Jhajjar. Close to the acquisition in question, vide notification dated 30.12.2002, land was acquired for development as Sector-6 as residential and commercial at Jhajjar. For the aforesaid acquisition, this Court in RFA No. 3267 of 2015- Ram Kanwar v. State of Haryana and others, decided on 27.11.2015, upheld the award of the reference court granting compensation @ ₹ 13,78,574/- per acre.

Considering the fact that the land pertaining to the Sector-6, which was acquired vide notification dated 30.12.2002 and the acquired land in question, both are located in the periphery of Jhajjar town at different places, but still considering the fact that the reference court in the present case had awarded compensation to the landowners merely @ ₹ 6,00,000/- per acre for Nehri/Chahi land; ₹ 4,50,000/- per acre for Barani land and ₹ 4,00,000/- per acre for Gair Mumkin kind of land, I do not find any reason to interfere with the impugned award. Accordingly, the appeals filed by the State are dismissed.

As none has appeared for the landowner, the appeal filed by him bearing RFA No.68 of 2009, seeking enhancement of compensation is dismissed in default.

14.12.2015

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(Rajesh Bindal)
Judge