

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 1995 of 2009 (O&M)

Date of decision: December 10, 2015

Rohtash and others

.. Appellants

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: None for the appellants.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

...

Rajesh Bindal J.

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

Briefly, the facts are that the land, measuring 0.41 acres situated in village Wazirabad, Tehsil & District Gurgaon was sought to be acquired by the State of Haryana vide notification dated 5.2.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') for development and utilisation thereof for road between Sectors 55 and 56 at Gurgaon. It was followed by notification under Section 6 of the Act dated 6.2.2002. The Land Acquisition Collector (for short, the Collector'), vide award No. 2 dated 18.4.2002, determined the market value of the acquired

land @ ₹ 12,00,000/- per acre. Aggrieved against the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 8.12.2008, assessed the market value of the acquired land @ ₹ 717/- per square yard.

Learned counsel for the landowners submitted that Wazirabad is a big revenue estate. There had been number of acquisitions in that area. For the acquisition vide notification dated 8.9.1997, in RFA No. 1824 of 2006—Sudama and others v. The State of Haryana and another, decided on 1.10.2010, this court had granted compensation @ 1,520/- per square yard and subsequently in RFA No. 1528 of 2009—Smt. Santra Devi and others v. The State of Haryana and others, decided on 6.8.2013, this court assessed the compensation @ 1,596/- per square yard, where notification under Section 4 of the Act was issued on 29.8.1998. The land in the present case being part of the same revenue estate, the landowners deserve to be granted compensation by granting increase for the time gap at the same rate, at which it was granted in Sudama's case (supra).

Learned counsel for the State submitted that judgment in Sudama's case (supra) cannot as such be relied upon, especially for granting increase, especially where notification under Section 4 of the Act was issued on 8.9.1997. In fact, it is a case of no evidence.

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

The land pertains to revenue estate of Wazirabad. Earlier the land was also acquired pertaining to the same revenue estate vide notifications dated 5.5.1997, 8.9.1997 and 24.8.2000. This Court in RFA No. 2269 of 2010 —Phool Singh and another v. State of Haryana and another, decided separately today, has assessed the compensation @ ₹ 1,759/- per square yard for the land acquired vide notification dated 24.8.2000. There being time gap of one year and five months, in my opinion, increase for the time gap can be granted to the landowners. Adding the said amount, the compensation would come out to ₹ 2,068/- per square yard, which the landowners deserve to be granted.

Accordingly, the landowners are held entitled to compensation @ ₹ 2,068/- per square yard for the acquired land. They shall also be

entitled to all statutory benefits available to them under the Act.

The appeal is disposed of accordingly.

(Rajesh Bindal)
Judge

December 10, 2015
mk