

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

RFA No. 2932 of 2009 (O&M)

Date of decision : 10.12.2015

Har Lal and others		... Appellants
	VS	
State of Haryana and others		... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Gaurav Singla, Advocate, for the appellants in RFA No. 2932 of 2009.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

This order shall dispose of appeals bearing RFA Nos. 2932 of 2009 and 7132 of 2011, as common questions of law and facts are involved therein.

In the present appeals, the landowners are seeking enhancement of compensation for the acquired land.

Briefly, the facts are that land situated within the revenue estates of villages Baruwali-II and Chakariyan Hadbast No. 141, was sought to be acquired by the State of Haryana for extension of Mangala Direct Minor from RD 27000-99000 Tail off-taking from Ottu Lake at RD 6300-L of left embankment of River Ghaggar in village Madhosighana, Tehsil and District Sirsa, vide notification dated 25.2.2005, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'). Notification under Section 6 of the Act was issued on 3.2.2006. The Land Acquisition Collector (for short, 'the Collector') vide awards dated 2.5.2006 assessed the market value of the acquired land @ ₹ 5,00,000/- per acre for both the villages. Aggrieved against the awards of the Collector, the land owners filed objections. On reference, the learned Court below vide awards dated 14.1.2009 and 15.04.2011, assessed the compensation for the acquired land @ ₹ 8,00,000/- per acre. It is this award which has been impugned in the

present appeals.

Learned counsel for the landowners submitted that the court below has not awarded just and fair compensation for the acquired land while considering the location of the land. The value of the land in the area was not less than ₹ 25,00,000/- per acre. It was further submitted that the State Government had issued policies dated 28.4.2005 and 6.4.2007 fixing minimum rates of the land in the State. The award in the present case was announced on 3.2.2006.

On the other hand, learned counsel for the State submitted that the amount of compensation as awarded to the landowners in the present case is already on the higher side. There is no sale-deed produced on record by the landowners to show that the value of the land as assessed by the Collector was on lower side. The evidence produced by the State clearly established that the award of the Collector was already on the higher side. However, he did not dispute the fact that the minimum rates provided for acquisition of land in the State of Haryana were revised from ₹ 5,00,000/- per acre to ₹ 8,00,000/- per acre vide policy dated 6.4.2007.

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

It is not disputed by the learned counsel for the State that the Government of Haryana had issued policies from time to time whereby the minimum compensation for acquisition of the land in the State of Haryana, was fixed. The policy dated 28.4.2005, provides that all the landowners in whose cases the award of the Collector was announced on or after 5.3.2005, irrespective of date of notification under Section 4 of the Act, shall be entitled to minimum compensation @ ₹ 5,00,000/- per acre. Policy dated 28.4.2005 was revised on 6.4.2007. While assessing the market value of the acquired land in the present case, the learned court below had relied upon policy dated 6.4.2007 (Ex. P8) vide which minimum rates were fixed for acquisition of land in the State of Haryana. The relevant extract of policy, dated 6.4.2007, is as under:-

"Sub: Fixation of floor rates for the acquisition of land for public purpose in the State of Haryana.

Ref: This Department Memo No. 2025-R-5-2005/4299, dated 28.4.2005.

Vide this Department Memo. under reference, minimum floor rates for acquiring land for public purposes for various Departments as well as other State Agencies were fixed by the Haryana Government as follows:

i) Minimum floor rate for urbanisable area of Gurgaon.	Rs. 15.00 lacs per acre
ii) Minimum floor rate for rest of the Haryana Sub-Region of NCR including Panchkula and area of Chandigarh periphery in the Haryana State.	Rs.12.50 lacs per acre.
iii) Minimum floor rate for the rest of the Haryana State.	Rs. 05.00 lacs per acre.

(These floor rates did not include the solatium and interest payable under the provisions of the Land Acquisition Act, 1894).

2. Now it has been observed that with the passage of time market rates of the land have increased substantially. Therefore, Haryana Government has re-considered this matter and has decided to re-fix these floor rates as follows:

i) Minimum floor rate for urbanisable area of Gurgaon.	Rs. 20.00 lacs per acre
ii) Minimum floor rate for rest of the Haryana Sub-Region of NCR including Panchkula and area of Chandigarh periphery in the Haryana State.	Rs.16.00 lacs per acre.
iii) Minimum floor rate for the rest of the Haryana State.	Rs. 08.00 lacs per acre.

3. These floor rates do not include the solatium and interest payable under the provisions of the Land Acquisition Act, 1894.

4. These revised rates will be applicable on all those acquisitions where awards have been announced on or after 22.3.2007 irrespective of the date of notification under

Section 4 of the Land Acquisition Act, 1894."

As per the aforesaid letter dated 6.4.2007, the minimum floor rate in the area in question was fixed @ ₹ 8,00,000/- per acre and the rates are applicable for all those acquisitions where awards have been announced on or after 22.3.2007, irrespective of date of notification under Section 4 of the Act. In the present case, the award was announced by the Collector on 2.5.2006 whereas the policy dated 6.4.2007 came into force with effect from 22.3.2007.

The increase from ₹ 5,00,000/- to ₹ 8,00,000/- if calculated from 5.3.2005 till 22.3.2007, the effective dates of two policies, providing for minimum rates, the same comes to about ₹ 12,244 per month. Taking into account the aforesaid facts, as the award in the present case was announced by the Collector on 2.5.2006, the compensation by adding ₹ 12,244/- per month on ₹ 5,00,000/- with effect from 5.3.2005 till the announcement of award by the Collector in the present case i.e. about 14 months, comes to ₹ 6,71,421/-.

No other evidence has been led by the landowners to show the value of the land in the area.

As the landowners have already been awarded more amount, in my opinion, no case for further enhancement is made out.

Accordingly, the appeals are dismissed.

10.12.2015
vs.

(Rajesh Bindal)
Judge