

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 3619 of 2009 (O&M)
LAC No. 74 of 2006
Date of decision: December 10, 2015

Municipal Corporation

.. Appellant

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Gaurav Aggarwal, Mr. Sandeep Sharma,
Mr. Ashwani Kumar Bura, Mr. J. P. Ahlawat for
Mr. N. D. Achint and Mr. Ram Kumar Saini
for Ms. Sheenu Sura, Advocates for the landowners.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

...

Rajesh Bindal J.

1. This order will dispose
R.F.A. Nos. 3619, 3620, 3819, 4289, 5027 of 2009;
RFA Nos. 955, 2814, 4580, 4663, 4979, 4980, 5199, 5499 of
2010;
RFA No. 1281 of 2011 and
Cross Objections No. 10-CI of 2012.
2. In the appeals and cross objections filed by the landowners,

they are seeking enhancement of compensation for the acquired land, whereas in the appeals filed by the State, the prayer is for reduction thereof.

3. Briefly, the facts are that the land, situated in villages Adampur, Badshahpur, Fatehpur, Samaspur and Ghasola, Tehsil & District Gurgaon was sought to be acquired by the State of Haryana vide notification dated 15.4.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') for development and utilisation thereof as Sector road between Sectors 49-50 and 50-51, Gurgaon. It was followed by notification under Section 6 of the Act dated 16.4.2002. The Land Acquisition Collector (for short, the Collector'), vide award No. 22 dated 6.11.2003, determined the market value of the acquired land @ ₹ 4,00,000/- per acre pertaining to land of village Adampur. 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 17.4.2009, assessed the market value of the acquired land @ ₹ 660/- per square yard.

4. Pertaining to the land of village Badshahpur, the Collector, vide award No. 25 dated 6.11.2003, assessed the compensation @ ₹ 6,25,000/- per acre. Aggrieved against the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 29.10.2009, assessed the compensation @ ₹ 660/- per square yard.

5. Pertaining to land of village Fatehpur, the Collector, vide award No. 24 dated 6.11.2003, assessed the compensation @ ₹ 4,00,000/-per acre for chahi land. Aggrieved against the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 29.10.2009, assessed the compensation @ ₹ 660/- per square yard.

6. Pertaining to land of village Samaspur, the Collector, vide award No. 21 dated 6.11.2003, assessed the compensation @ ₹ 6,25,000/- per acre for chahi land. Aggrieved against the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 5.9.2009, assessed the compensation @ ₹ 660/- per square yard.

7. Pertaining to land of village Ghasola, the Collector, vide award No. 23 dated 6.11.2003, assessed the compensation @ ₹ 4,50,000/-per acre for chahi land. Aggrieved against the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 30.11.2009, assessed the compensation @ ₹ 660/- per square yard.

8. For the sake of convenience, date of notification under Section 4 of the Act, the amount awarded by the Collector and the Reference Court and the date of award of the Reference Court in the present set of appeals is extracted below in tabulated form:

Date of notification under Section 4 of the Act.	Amount awarded by the Collector per acre in ₹	Amount awarded by the Reference Court per square yard in ₹	Date of award of the Reference Court
15.4.2002	<u>Village Adampur</u> 4,00,000/-	660/-	17.4.2009
	<u>Village Badshahpur</u> 6,25,000/-	660/-	29.10.2009
	<u>Village Fatehpur</u> 4,00,000/-	660/-	29.10.2009
	<u>Village Samaspur</u> 6,25,000/- for Chahi land	660/-	5.9.2009
	<u>Village Ghasola</u> 4,50,000/- for Chahi land	660/-	30.11.2009

9. Learned counsel for the landowners submitted that the Reference Court had gone wrong in averaging the sale consideration shown in different sale deeds produced on record by the landowners ranging from ₹ 1,120/- to ₹ 1,352/- per square yard and then applying a cut of 40% thereon. The highest sale exemplar should have been considered. He further submitted that the land in the same area was acquired earlier vide notification dated 26.8.1997. The landowners in the present case deserve to be granted increase for the time gap.

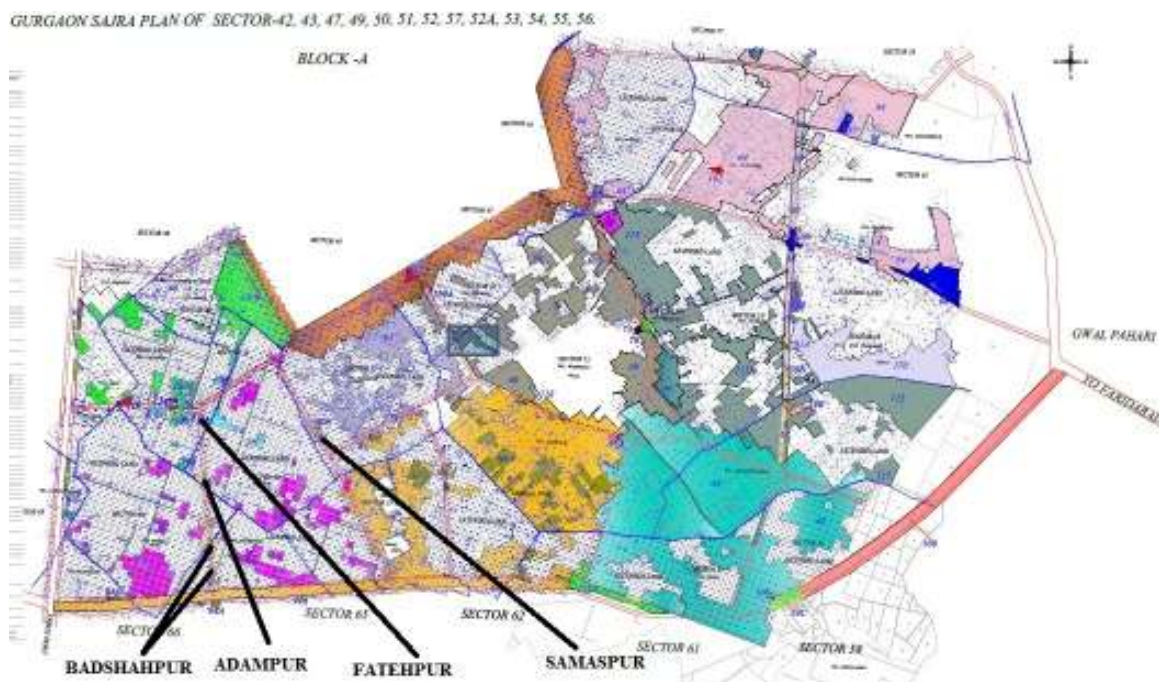
10. On the other hand, learned counsel for the State submitted that two sale deeds produced by the landowners in the cases pertaining to the

acquisition of land vide notification dated 26.8.1997 and which have been produced in the case in hand are different. These do not depict that there was any increase in the prices in the area. Increase for the time gap can be granted only in case there is material on record showing increase in the price, as was produced by the landowners in RFA No. 1824 of 2006—Sudama and others v. The State of Haryana and another, decided on 1.10.2010. It is a case of no evidence. The landowners do not deserve to be granted any increase in the compensation, rather, the award of the Collector deserves to be upheld.

11. No other issue was raised.

12. Heard learned counsel for the parties and perused the relevant referred record.

13. Vide notification dated 15.4.2002, the land pertaining to Samaspur, Adampur, Ghasola, Fatehpur and Badshahpur was acquired. The acquired land is in small-small pockets. The scanned copy of the plan produced in RFA No. 2269 of 2010—Phool Singh and another v. State of Haryana and another, decided vide separate judgment of even date, showing acquired land is appended below:



14. There is no site plan produced on record by the landowners as such showing the acquisition of land. The State was directed to produce a site plan in court depicting the location of the land, which was produced. A perusal of the plan shows that acquisition of land is in pockets located at different places. The landowners have produced various sale deeds on record, which pertain to the revenue estate of village Adampur, which are as under:

Ex.	Date of registration	Area sold (K-M)	Total sale consideration in	Average per square yard in	Village
P2	19.12.1997	2-13	18,06,836/-	1,127	Adampur
P3	19.12.1997	2-2	14,45,469/-	1,138	Adampur
P4	19.12.1997	2-12	18,06,836/-	1,149	Adampur
P5	19.12.1997	2-1.5	14,26,563/-	1,136	-do-
P6	19.12.1997	2-12	18,06,836/-	1,149	-do-
P7	19.12.1997	2-2	14,45,469/-	1,138	-do-
P8	19.12.1997	2-12	18,06,836/-	1,149	-do-
P9	19.12.1997	2-2	14,45,469/-	1,138	-do-
P10	19.12.1997	2-13	18,06,836/-	1,127	-do-
P11	19.12.1997	2-2.5	14,45,469/-	1,124	-do-
P12	19.12.1997	2-13	18,06,836/-	1,127	-do-
P13	19.12.1997	2-12.5	18,06,836/-	1,138	-do-
P14	19.12.1997	2-11.5	17,83,203/-	1,145	-do-
P15	19.12.1997	2-12	17,83,203/-	1,134	-do-
P16	24.10.2000	0-12	4,50,000/-	1,240	-do-
P17	24.10.2000	0-11	4,50,000/-	1,352	-do-
P18	24.10.2000	0-12	4,50,000/-	1,240	-do-
P19	24.10.2000	0-12	4,50,000/-	1,240	-do-
P20	24.10.2000	0-12	4,50,000/-	1,240	-do-
P21	27.12.1997	2-13	18,04,688/-	1,126	-do-
P22	27.12.1997	2-12	18,04,688/-	1,147	-do-
P23	27.12.1997	2-12	18,04,688/-	1,147	-do-
P24	27.12.1997	2-13	18,04,688/-	1,126	-do-
P25	16.08.1999	1-14	11,85,938/-	1,153	-do-
P26	16.08.1999	1-15	11,85,938/-	1,120	-do-
P27	16.08.1999	1-14	11,85,938/-	1,153	-do-
P28	16.08.1999	1-15	11,85,938/-	1,120	-do-

15. Out of the aforesaid sale deeds, in my opinion, sale deeds (Ex. P16 to Ex. P20), are relevant as the same were registered in October, 2000. These are in close range of ₹ 1,240 to ₹ 1,352/- per square yard. As the area was in the development stage and the builders were buying the property, in my opinion, increase for the period of one year and five months upto the date of issuance of notification under Section 4 of the Act deserve to be added thereon. Taking the base value @ 1,240/- per square yard and granting cumulative increase @ 12% per annum for one year and five months, the value would come out to 1,457/- per square yard. Considering the size of the plots dealt with, in my opinion, a cut of 30% is required to be applied. After reducing the aforesaid amount, the compensation would come out to ₹ 1,020/- per square yard. The aforesaid amount of compensation is also reasonable if the land of neighbouring revenue estates, which was acquired in 1997, is compared.

16. Reliance of learned counsel for the landowners on the judgment of this Court in Sudama's case (supra) for the purpose of assessment of compensation is misplaced as the land dealt with therein is located at a distance and further there are sale deeds available pertaining to the revenue estate, land of which was acquired.

17. Accordingly, the landowners are held entitled to compensation @ ₹ 1,020/- per square yard. They shall also be entitled to all statutory benefits available to them under the Act.

18. The appeals and the cross objections filed by the landowners are allowed in the manner indicated above, whereas the appeals filed by the State are dismissed.

(Rajesh Bindal)
Judge

December 10, 2015
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(Refer to Reporter)