

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

RFA No. 825 of 2009 (O&M)
LAC No. 781 of 4.12.2000

Date of decision : 8.10.2015

Mangal Singh (deceased) through LR's and others .. Appellants
versus
Land Acquisition Collector and another .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. P. R. Yadav, Advocate, for the landowners.
Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 825 of **2009**, and 2544 of **2010**, as the same arise out of common acquisition.

By filing appeal, the landowners are seeking enhancement of compensation for the acquired land, whereas by filing appeal, the State is seeking reduction thereof.

Briefly, the facts are that vide notification dated 4.8.1997, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire 3.16 acres of land situated in village Kanhai, Tehsil and District Gurgaon, for construction of road between Sector 44-45 at Gurgaon. Notification under Section 6 of the Act was also issued on 22.7.1998. The Land Acquisition Collector (for short, 'the Collector') vide award no. 17 dated 6.1.2000 assessed the market value of the acquired land @ ₹ 12,00,000/- per acre for chahi, ₹ 9,60,000/- per acre for allabarani, ₹ 8,40,000/- per acre for bhood and ₹ 7,20,000/- per acre for banjar kind of land. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below

determined the market value of the acquired land @ ₹ 397/- per square yard. It is this award, which has been impugned in the present appeals by both the parties.

Learned counsel for the landowners while referring to judgment of this Court in RFA No. 1824 of 2006 Sudama and others vs The State of Haryana and another decided on 1.10.2010, submitted that the appellants in the present case be awarded same amount of compensation as has been awarded to the landowners, whose land was acquired in the vicinity vide notification dated 8.9.1997. This Court in the aforesaid judgment had assessed the compensation for that land @ ₹ 1,520/- per square yard.

Learned counsel for the State submitted that there being no evidence in the present appeal and the land of the revenue estate of village Kanhai having not been acquired vide notification dated 8.9.1997, the same amount cannot be awarded to the landowners. However, vide notification dated 5.5.1997, the land of revenue estate of village Kanhai was acquired and this Court in Sudama's case (supra) had assessed the compensation therefor @ ₹ 1,216/- per square yard. The same compensation can be awarded to the landowners in the present appeal.

After hearing learned counsel for the parties, in my opinion, the landowners in the present case cannot be awarded the compensation as was assessed by this Court in Sudama's case (supra) where notification under Section 4 of the Act was issued on 8.9.1997 as vide that notification, the land pertaining to revenue estate of village Kanhai was not acquired. The land in the present case is of revenue estate of village Kanhai. Further vide notification dated 5.5.1997, the land of village Kanhai was acquired for which this Court had assessed the compensation @ ₹ 1,216/- per square yard. Notification in the present case having been issued on 4.8.1997, after a time gap of three months, in my opinion, the landowners can be awarded increase for the time gap @ 12% per annum. If the aforesaid amount is calculated, the same comes to ₹ 36/-. Adding the same with ₹ 1,216/-, the compensation comes to ₹ 1,252/- per square yard.

Accordingly, the landowners in the present set of appeals shall be entitled to compensation @ ₹ 1,252/- per square yard. They shall also be entitled to all the statutory benefits available to them under the Act.

For the reasons mentioned above, the appeal filed by the landowners is allowed, and that of the State is dismissed.

8.10.2015
vs

(Rajesh Bindal)
Judge