

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

**RFA No. 1114 of 2011 (O&M)
LAC (RBT) No. 64 of 2006/2009**

Date of decision : 10.12.2015

State of Haryana and others	vs	.. Appellants
Dharambir and others		.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Abhinash Jain, Assistant Advocate General, Haryana.
Mr. Shiv Kumar, Advocate, for the landowners.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 1114 to 1119, 1689 to 1693, and 4505 of 2011, as the same arise out of common acquisition.

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

Briefly, the facts are that vide notification dated 18.2.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire 1.50 acres of land situated in village Palwal, Hadbast No.73, Tehsil and District Palwal, for construction of Sewerage Treatment Effluent Channel from STP to Palwal Drain at Palwal, District Palwal. It was followed by notification under Section 6 of the Act dated 2.4.2002. The Land Acquisition Collector (for short, 'the Collector') vide award dated 11.2.2004 assessed the market value of the acquired land @ ₹ 4,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below vide award dated 28.8.2010 determined the market value of the acquired land @ ₹ 306/- per square yard. It is this award which has been impugned in the present set of appeals by both the parties.

Learned counsel for the landowners submitted that the learned Court below had not assessed the compensation considering the sale-deeds produced on record by the landowners which established that value of the acquired land in the area was much more than what has been granted. Only increase for the time gap from the earlier acquisition has been granted.

On the other hand, learned counsel for the State submitted that just and fair compensation has been assessed by the Collector. The sale-deeds sought to be relied upon by the landowners are of small size plots located near the abadi of the city, whereas the acquired land is 1.50 acres and located far away from the city. The same cannot be relied upon.

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

In the case in hand, the land in question was acquired for expansion of Sewerage Treatment Effluent Channel from STP to Palwal Drain at Palwal. Prior to that adjoining land was acquired for construction of Sewerage Treatment Plant, where notification under Section 4 of the Act was issued on 24.5.2001. This Court in RFA No. 2984 of 2009 Dharam Pal Singh and others vs The State of Haryana and others, decided on 10.7.2013, assessed the compensation therefor @ ₹ 283/- per square yard. The Special Leave to Appeal (c) No. 19264 of 2015 Mahesh Kumar and others vs State of Haryana through Land Acquisition Collector, Faridabad, filed against the aforesaid judgment was dismissed by Hon'ble the Supreme Court on 30.10.2015. There is a time gap of about nine months in the two acquisitions. The learned court below for the aforesaid time gap while placing reliance upon the award of the reference court pertaining to the acquisition vide notification dated 24.5.2001 where the compensation was assessed @ ₹ 279/- per square yard and granting increase for the time gap of nine months @ 10% and assessed the compensation @ ₹ 306/- per square yard. This Court in Dharam Pal Singh's case (supra), assessed the compensation @ ₹ 283/- per square yard for the land acquired vide notification dated 24.5.2001. There is a time gap of nine months in between two acquisitions namely acquisition dated 24.5.2001 and the acquisition in question where notification under Section 4 of the Act was issued on 18.2.2002. If for the aforesaid time gap increase @ 12% per annum is

granted, the amount of compensation would come out to ₹ 308.47 per square yard. As the learned court below has already awarded compensation @ ₹ 306/- per square yard and the calculation of compensation in the land acquisition cases cannot be made by mathematical exactitude, I do not find any reason to interfere with the impugned award. Accordingly, the appeals are dismissed.

10.12.2015

vs

(Rajesh Bindal)
Judge