

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

R.F.A No. 3366 of 2011 (O&M)

Date of decision : 9.12.2015

Ashwani Kumar

..... Appellant

VS

State of Haryana and another

.... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sanjay Jain, Advocate,
Mr. Jasmer Chand, Advocate and
Mr. Deepak Sharma, Advocate, for the landowner(s).
Mr. Vishal Garg, Advocate, for HSIIDC.
Mr. Shivendra Swaroop,
Assistant Advocate General, Haryana.

Rajesh Bindal J.

This order will dispose of a bunch of appeals bearing RFA Nos.3366, 5958 to 5967 of 2011, 2316 of 2013 and 9680 of 2014, as common questions of law and facts are involved therein.

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

Briefly, the facts are that vide notification dated 21.6.1999, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land measuring 24.13 acres situated within the revenue estate of village Dhakaula, Hadbast No.135, Tehsil and District Ambala, for setting up of Growth Centre at Saha to develop Integrated Industrial Complex. The same was followed by notification issued under Section 6 of the Act dated 23.3.2000. The Land Acquisition Collector (for short, "the Collector") vide award No.1 dated 18.1.2002 assessed the market value of the acquired @ ₹ 2,40,000/- per acre for the land upto two acres deep on either side of Highway; ₹

2,10,000/- per acre for Chahi; ₹ 1,75,000/- per acre for Barani and ₹ 1,00,000/- per acre for Banjar kinds of land. Dissatisfied with the award of the Collector, the landowner(s) filed objections. On reference, the learned court below, determined market value of the acquired land @ ₹ 130/- per square yard situated on Panchkula-Shahbad-Delhi road, upto depth of two acres and for remaining land @ ₹ 118/- per square yard. . It is this award which is impugned by the landowner(s) before this court.

Learned counsel for the landowner(s) submitted that prior to the acquisition in question, the land was acquired in the same area vide notification dated 31.7.1996 for the same purpose. Valuation thereof was subject matter of consideration before this Court in RFA No.2028 of 2011—Kashmir Singh and others v. State of Haryana, decided on 25.9.2014, whereby compensation had been assessed @ ₹ 6,32,000/- per acre. Hon'ble the Supreme Court upheld the award of this Court vide order dated 1.5.2015 in Special Leave Petition Nos.7655-56 of 2015—Ramcharan and others v. State of Hayrana and another filed by the landowners. The acquisition in question is merely for left out portions from the earlier acquisition located at different places. The learned court below though has granted increase to the landowners for the time gap in two acquisitions, which is 2 years 11 months, however, the same has been granted only @ 6% per annum, which should have been @ 12% per annum with cumulative effect.

On the other hand, learned counsel for the respondents submitted that there are sale deeds produced on record by the respondents, which should have been considered as against granting increase for the time gap. The sale deeds are pertaining to large chunks of land, however, he was unable to refer to the location thereof or any site plan. He did not dispute the fact that the acquired land in question is in small-small portions located at different places measuring 24.13 acres in total, located within the land earlier acquired vide notification dated 31.7.1996 for the same purpose.

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

It is not disputed that present acquisition pertains to small left

out portion of land measuring 24.13 acres located at different places in the large area already acquired for the same purpose. The valuation of the earlier land was subject matter of consideration before this Court in Kashmir Singh's case (supra), wherein compensation was assessed @ ₹ 6,32,000/- per acre. Hon'ble the Supreme Court upheld the compensation granted by this Court in Ramcharan's case (supra) filed by the landowners. As the acquisition in the present set of appeals pertains to 24.13 acres of land, in my opinion, the landowners certainly deserve to be granted increase @ 12% per annum for the time gap in two acquisition to be calculated with cumulative effect. Considering the development in the area, in my opinion, increase @ 12% per annum with commutative effect on ₹ 6,32,000/- per acre would be reasonable. If the aforesaid amount is added, the figure comes to ₹ 8,79,985/- per acre, which is rounded off to ₹ 8,80,000/- per acre.

Accordingly, the value of the acquired land in the present set of appeals is determined @ ₹ 8,80,000/- per acre. The appellants shall also be entitled to the statutory benefits available under the Act.

The appeals are disposed of in the above terms.

9.12.2015

sharmila

(Rajesh Bindal)

Judge