

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

**RFA No. 3799 of 2011 (O&M)**  
LAC No. 4 of 2010

Date of decision : 10.12.2015

|                              |                 |
|------------------------------|-----------------|
| State of Haryana and another | ... Appellants  |
| vs                           |                 |
| Sube Singh and another       | ... Respondents |

**Coram : Hon'ble Mr. Justice Rajesh Bindal**

Present: Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.  
None for the landowners.

**Rajesh Bindal, J.**

This order will dispose of RFA Nos. 3799 to 3807, 5129 to 5137, 5294 to 5307 of 2011, 752, 768, 809 of 2012, as the same arise out of common acquisition.

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

Briefly, the facts of the case are that vide notification issued on 27.7.2007 under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land measuring 2.40 acres situated in village Kurar, HB No. 47 and 3.34 acres situated in village Kheri Lamba HB No. 46, Tehsil and District Kaithal, for extension of Bhana Brahamna Link Drain from RD 28400 to 38000 out falling into Sirsa Branch at RD 300000/R in villages Kheri Lamba and Kurar. It was followed by notification dated 28.5.2008 issued under Section 6 of the Act. The Land Acquisition Collector (for short, "the Collector") vide awards dated 24.8.2009 assessed compensation for the acquired land @ ₹ 8,00,000/- per acre for both the villages. Dissatisfied with the awards of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 1.3.2011, assessed the market value of

the acquired land of village Kurar @ ₹ 8,50,000/- per acre and vide award dated 01.04.2011 @ ₹ 9,50,000/- per acre for village Kheri Lamba. These awards have been impugned before this court by both the parties in the present set of appeals.

No one has appeared for the landowners at the time of hearing.

Learned counsel for the State submitted that the amount of compensation as awarded to the landowners in the present case is on higher side keeping in view the evidence led by them. 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 sale-deeds 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 ₹ 8,00,000/- per acre to ₹ 12,00,000/- per acre vide policy dated 9.11.2010.

Heard learned counsel for the State 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 learned court below has awarded compensation on the basis of policies of the Government. The policy dated 28.4.2005, provided 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. 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 policy dated 6.4.2007 the minimum floor rate in the Haryana State was fixed @ ₹ 8,00,000/- per acre and the rates are applicable to 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

24.8.2009 whereas the policy dated 6.4.2007 came into force with effect from 22.3.2007. The policy dated 6.4.2007 was revised on 9.11.2010. The relevant extract of the policy is as under:-

| <i>Sr. No.</i> | <i>Particulars</i>                                                                                                                                                                                                                                                                                                                                           | <i>Floor Rates per acre of land (pre-revision)</i> | <i>Floor Rates per acre as revised w.e.f. 07.09.2010</i> |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------------|
| 1              | Land situated within the notified limits of Gurgaon Municipal Corporation                                                                                                                                                                                                                                                                                    | Rs. 20.00 Lakh                                     | Rs. 40.00 Lakh                                           |
| 2              | Land situated within (i) the notified limits of Faridabad Municipal Corporation, (ii) the notified limits of Panchkula Municipal Corporation as on 07.09.2010, (iii) Development Plans of (a) Gurgaon-Manesar Urban Complex (excluding the areas falling within the limits of Municipal Corporation Gurgaon) (b) Sohna, and (c) Sonapat-Kundli Urban Complex | Rs. 16.00 Lakh                                     | Rs. 30.00 Lakh                                           |
| 3              | Areas situated within the Development Plans of Bahadurgarh, Rohtak, Rewari, Dharuhera, Bawal and Panipat towns                                                                                                                                                                                                                                               | Rs. 16.00 Lakh                                     | Rs. 25.00 Lakh                                           |
| 4              | Rest of the National Capital Region, areas situated out side the limits of Panchkula Municipal Corporation (as on 07.09.2010) in Panchkula District, and the land situated within the Development Plans of all other district headquarters outside the NCR                                                                                                   | Rs.16.00 Lakh<br>Rs. 8.00 Lakh                     | Rs. 20.00 Lakh                                           |
| 5              | Remaining Parts of the State                                                                                                                                                                                                                                                                                                                                 | Rs. 8.00 Lakh                                      | Rs. 12.00 Lakh                                           |

As per policy dated 9.11.2010, in some parts there is 100% increase in the price of land from the year 2007 to 2010, whereas in some parts it is 50%. The value of the land in question, as per the policy of the Government dated 28.4.2005, was ₹ 5,00,000/- per acre. It increased from ₹ 5,00,000/- to ₹ 8,00,000/- per acre in the year 2007 and vide policy dated 9.11.2010, it has been increased to ₹ 12,00,000/- per acre. It shows that even State accepted in principle that the prices of the land had been increasing gradually. The award in the present case was announced by the Collector on 24.8.2009 and the policy dated 9.11.2010 came into force with effect from 7.9.2010. This is evident of rising prices of land on which there is lot of pressure in recent times because of demand for urbanization and other infrastructural facilities.

The increase from ₹ 8,00,000/- to ₹ 12,00,000/- if calculated from 22.3.2007 till 7.9.2010, the effective dates of two policies, providing for minimum rates, the same comes to ₹ 9,638.55 per month. Taking into

account the aforesaid facts, as the award in the present case was announced by the Collector on 24.8.2009, the landowners in the present case deserve to be granted compensation by adding ₹ 9,639/- per month on ₹ 8,00,000/- with effect from 22.3.2007 till the announcement of award by the Collector in the present case i.e. about 29 months. If the aforesaid amount is added, the compensation comes out to ₹ 10,79,531/-, which is rounded off to ₹ 10,80,000/- per acre.

For the reasons mentioned above, the appeals of landowners are allowed and those of the State are dismissed. The award of learned Court below is modified only to the extent of value of the acquired land. The same is assessed @ ₹ 10,80,000/- per acre. The landowners shall also be entitled to all the statutory benefits available to them under the Act.

As none has appeared for the landowners, a copy of the order be sent to them for information.

10.12.2015  
vs.

**(Rajesh Bindal)**  
**Judge**