

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

RFA No. 4008 of 2011 (O&M)

Date of decision :11.12.2015

Smt. Krishna Devi and others

... Appellants

vs

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Gaurav Aggarwal, Advocate and
Mr. Ajay Jain, Advocate, for the landowners.

Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of a bunch of appeals bearing RFA Nos. 4008 to 4015, 4087, 4148, 4820 to 4822, 5387, 5388, 6038, 6039, 6128, 7534 to 7536, 7917 to 7945, 7947 to 7951 of 2011, 1592, 2859 and 5761 of 2012 and cross-objections No.52-CI of 2014 in RFA No.7940 of 2011, as common questions of law and facts are involved therein.

The landowners are in appeals and cross-objections seeking enhancement of compensation for the acquired land, whereas by filing appeals, the State of Haryana is seeking reduction thereof.

Briefly, the facts of the case are that State of Haryana vide notification dated 10.1.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land situated in village Hisar, Tehsil and District Hisar for road connecting the existing town of Hisar through Urban Estate II, Vidyut Nagar, Hisar, Sector 3, 5, 1 & 4 to Raipur Road, Hisar. The same was followed by notification dated 11.1.2002 issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award No.3 dated 26.3.2003, assessed the market value of the acquired land @ ₹ 4,00,000/- per acre falling in category A; ₹ 3,00,000/- per acre falling in category B; ₹ 2,00,000/- per acre falling in

category C and ₹ 1,00,000/- per acre for the land falling in category D. Aggrieved against the award of the Collector, the landowners filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, assessed the compensation for the acquired land @ ₹ 670/- per square yard. The same has been impugned by the landowners as well as by the State before this Court.

Learned counsel for the landowners submitted that the land in question was acquired for connecting the existing town of Hisar through Urban Estate II, Vidyut Nagar, Hisar, Sector 3, 5, 1 & 4 to Raipur Road. Close to the acquisition in question, the land was acquired vide notification dated 13.11.2002 for development as Sectors 3 and 5, Hisar. The road was passing through those sectors. The learned court below had assessed same amount of compensation as was granted to the landowners, whose land was acquired vide notification dated 13.11.2002. The assessment of compensation for the aforesaid acquisition was subject matter of appeal before this Court in RFA No.5626 of 2010—State of Haryana and others v. Murti Devi and another, decided on 26.3.2014, where the amount of compensation was assessed while granting increase for the time gap at a flat rate @ ₹ 724.75 per square yard. The matter was taken before Hon'ble the Supreme Court. Vide order dated 22.8.2014 passed in Special Leave Petition (Civil) Nos. 20531-20565 of 2014—Narbadi Devi and others v. State of Haryana and others, Hon'ble the Supreme Court granted increase for the time gap @ 12% per annum with cumulative effect. As a result of which, the amount of compensation would come out to ₹ 1,039/- per square yard. There being development around the area and even the learned court below having assessed the same amount for the acquisition in question, the landowners be granted compensation @ ₹ 1,039/- per square yard.

On the other hand, learned counsel for the State submitted that the acquisition in question being prior in time, the landowners in the present case cannot be granted compensation at the same rate as assessed for acquisition vide notification dated 13.11.2002. There is time gap of 10 months. The present acquisition was only for construction of road. The acquisition for development of sectors was later in time, hence, a cut is

required to be applied.

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

In the case in hand, the land was acquired for construction of road for connecting the existing town of Hisar through Urban Estate II, Vidyut Nagar, Hisar, Sector 3, 5, 1 & 4 to Raipur Road, Hisar, vide notification dated 10.1.2002. About 10 months thereafter, vide notification dated 13.11.2002, the land was acquired for development of Sectors 3 and 5, Hisar. As already noticed above, the land in question was acquired for construction of road passing through aforesaid sectors. This Court in Murti Devi's case (supra), had assessed compensation for the land acquired vide notification dated 13.11.2002 @ ₹ 724.75 per square yard after granting increase for the time gap from earlier acquisition in the area. In Narbadi Devi's case (supra), the order passed in Murti Devi's case (supra) was modified by Hon'ble the Supreme Court only to the extent that the compensation was directed to be calculated while granting increase @ 12% per annum with cumulative effect. As a result of which, the compensation payable for the acquisition of land vide notification dated 13.11.2002 comes out to ₹ 1,039/- per square yard. The acquisition in question was 10 months earlier. After reducing 10% out of the aforesaid amount, the landowners in the present case shall be entitled to compensation @ ₹ 935/- per square yard. The landowners shall also be entitled to the statutory benefits available under the Act.

The appeals and cross-objections filed by the landowners are disposed of in the above terms and the appeals filed by the State are dismissed.

11.12.2015

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(Rajesh Bindal)
Judge