

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

RFA No. 4149 of 2011 (O&M)

Date of decision : 10.12.2015

Gurnam Kaur and others	vs	... Appellants
State of Haryana and others		... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. L. S. Sandhu, Advocate, for the appellants.
Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of
RFA No. 4149 of 2011
RFA No. 507 of 2012
RFA No. 306 to 313 of 2013
RFA No. 3719 to 3721 of 2014,
as the same arise of common acquisition.

Briefly the facts are that the State of Haryana vide notification dated 25.2.2005 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), sought to acquire land in the revenue estate of village Sant Nagar, Tehsil Rania, District Sirsa, for construction of Sant Nagar Minor. Notification under Section 6 of the Act was issued on 13.6.2005. The Land Acquisition Collector (for short, 'the Collector') vide award No. 12 dated 25.7.2006 assessed the market value of the acquired land @ ₹ 5,00,000/- per acre. Aggrieved against the award of the Collector, the land owners filed objections. On reference, the learned Court below vide award dated 1.3.2011, assessed the compensation for the acquired land @ ₹ 7,42,856/- per acre. It is this award which has been impugned in the present set of appeals by the landowners.

Learned counsel for the landowners submitted that the court below has not awarded just and fair compensation for the acquired land. It failed to take into consideration the evidence led by the landowners in the form of sale-deed. The value of the land in the area was not less than ₹ 25,00,000/- per acre. The learned court below has wrongly calculated the compensation as per the policies issued by the State Government.

On the other hand, learned counsel for the State submitted that the amount of compensation as awarded to the landowners in the present case is already on the higher side. There is no relevant 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 evidence 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 ₹ 5,00,000/- per acre to ₹ 8,00,000/- per acre vide policy dated 6.4.2007.

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

The sale-deed, Ex. P10, dated 9.5.2008, relied upon by the landowners cannot be taken into consideration as the same is post acquisition. Notification in the present case was issued on 25.2.2005 and the award was announced by the Collector on 25.7.2006.

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 policy dated 28.4.2005, provides 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. While assessing the market value of the acquired land in the present case, the learned court below had relied upon policy dated 6.4.2007 (Ex. P11) vide which minimum rates were revised for acquisition of land in the State of Haryana. 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 letter dated 6.4.2007, the minimum floor rate in the area in question was fixed @ ₹ 8,00,000/- per acre and the rates are applicable for 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 25.7.2006 whereas the policy dated 6.4.2007 came into force with effect from 22.3.2007.

The increase from ₹ 5,00,000/- to ₹ 8,00,000/- if calculated from 5.3.2005 till 22.3.2007, the effective dates of two policies, providing for minimum rates, the same comes to about ₹ 12,244/- per month. Taking into account the aforesaid facts, as the award in the present case was announced by the Collector on 25.7.2006, the compensation by adding ₹ 12,244/- per month on ₹ 5,00,000/- with effect from 5.3.2005 till the announcement of award by the Collector in the present case i.e for about 16 months, comes to ₹ 6,95,920/- per acre. The landowners have already been awarded compensation @ ₹ 7,42,856/- per acre, hence, no case for enhancement is made out.

Accordingly, the appeals are dismissed.

10.12.2015
vs.

(Rajesh Bindal)
Judge