IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 2091 of 2012 (O&M)
LAC No. 339 of 9.8.2010

Date of decision : 05.11.2015

Sukhbir and others ... Appellants

vs

State of Haryana and another ... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rakesh Nehra, Advocate, for the landowners.
Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

1. This judgment will dispose of RFA Nos. 2091 to 2100, 2848, 6219 of **2012,** 964 to 967, 4866 and 4867 of **2013,** as the same arise out of common acquisition.

2. By filing the present appeals, the landowners are seeking enhancement of compensation for the acquired land.

3. Briefly, the facts of the case are that vide notification issued on 21.5.2007, under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land measuring 12.59 acres of village Dariyapur and other villages, Tehsil Bahadurgarh, District Jhajjar, for construction of NCR Water Supply Channel from KM 37.575 to 64.936. Notification under Section 6 of the Act was issued on 25.6.2007. The Land Acquisition Collector (for short, 'the Collector') vide award no.14 dated 22.10.2007 assessed compensation @ ₹ 16,00,000/- per acre. Dissatisfied with the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 13.2.2012, upheld the award of the Collector. It is this award which has been impugned before this court by the landowners in the present set of appeals.

4. Learned counsel for the landowners submitted that the learned court below has wrongly rejected the claim of the landowners as the Collector had not awarded just and fair compensation for the acquired land. While assessing the compensation, the Collector has not considered the location and potentiality of the land. The land is fit for use as commercial and residential purposes. It is located near the abadi of the village. It is situated near Jhajjar-Nazafgarh State Highway and near the border of Delhi.

5. In support of the plea that the value of the land as assessed by the Collector below was not just and fair, learned counsel for the landowners placed reliance upon sale-deeds, Ex. P1 and Ex. P2, which were registered on 9.9.2008 and 15.3.2007, respectively. Vide sale-deed, Ex. P1, for the land measuring 15 kanals 17 marlas of village Dariyapur, the sale consideration paid was ₹ 1,10,00,000/-. Vide sale-deed, Ex.P2, land measuring 31 bighas 13 biswas of village Dhasa, Tehsil Nazafgarh, was sold on 15.3.2007 for the sale consideration of ₹ 5,47,28,125/-. He also referred to sale deed, Annexure A-1, vide which 23 kanals 8 marlas of land pertaining to village Dariyapur, was sold for ₹ 64,35,000/- on 18.12.2006 to M/s Reliance Haryana SEZ Limited company. He further submitted that though the land pertaining to the aforesaid sale-deeds is not forming part of the acquired land, but still it was located close by. Sale consideration paid therein clearly established the value of the land in the area. He further submitted that even if sale-deed, Ex.P1, was registered after the issuance of notification under Section 4 of the Act, the same can very well be relied upon for the purpose of assessment of compensation after application of a reasonable cut, as the genuineness thereof is not in dispute.

6. While referring to the policies issued by the Government of Haryana, learned counsel for the landowners submitted that in the present case the award of the Collector was announced on 22.10.2010 and minimum rates for acquisition of land in the area in question were increased from ₹ 16,00,000/- per acre to ₹ 20,00,000/- per acre vide policy dated 9.11.2010, applicable from 7.9.2010. However, still the landowners in the present case have been awarded only ₹ 16,00,000/- per acre as compensation. However, the learned Court below has not calculated the

increase properly.

7. On the other hand, learned counsel for the State submitted that the amount of compensation as awarded to the landowners by the Collector in the present case is just and fair. There was no cogent evidence led by the landowners for enhancement of compensation for the acquired land. No site plan showing the location of the land and the sale-deeds was produced. Sale-deed dated 9.9.2008, Ex.P1, has rightly been ignored by the learned Court below as it was post notification sale instance. The land pertaining to sale-deed, Ex.P2, has also rightly been ignored as it was belonging to village Dhasa, Tehsil Nazafgarh. While refuting the submissions with regard to sale instance dated 18.12.2006, Annexure A-1, of M/s Reliance Haryana SEZ Limited company, he submitted that the land purchased was for getting the license for development as Special Economic Zone and it was not a normal transaction. It was to create a big chunk of land. However, he did not dispute the fact that the minimum rates provided for acquisition of land in the area were revised from ₹ 16,00,000/- per acre to ₹ 20,00,000/- per acre vide policy dated 9.11.2010.

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

9. No site plan has been produced by either of the parties to show the location of the acquired land and the land pertaining to sale-deeds relied upon by them. In the absence thereof, location of the land cannot be compared. The sale-deed produced on record by the landowners as Ex. P1 dated 9.9.2008 cannot be relied upon for the purpose of assessment of compensation as the same was registered subsequent to the issuance of notification under Section 4 of the Act dated 21.5.2007. As far as sale-deed, Ex. P2, is concerned, the land pertaining thereto belongs to village Dhasa, Tehsil Nazafgarh. Hence, the same cannot be relied upon.

10. As far as sale-deed, Annexure A1 dated 18.12.2006, vide which land was purchased by M/s Reliance Haryana SEZ Company, even the same cannot be relied upon being not a normal transaction for the reason that the company had to purchase big chunk of land for getting the license for development as Special Economic Zone. In any case, the sale consideration

paid therein was ₹ 22,000,00/- per acre only.

11. It is admitted that the Government of Haryana has issued policies dated 23.5.2005, 6.4.2007 and 9.11.2010 fixing minimum rates for acquisition of land in the State of Haryana. The policy dated 22.5.2005 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 inlcuding 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).
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> 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 inlcuding 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."

12. As per the aforesaid letter dated 6.4.2007, the minimum floor rate in the area in question was fixed @ ₹ 16,00,000/- 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.

13. The aforesaid policy dated 6.4.2007 was further revised by the Government of Hayana vide Gazette Notification dated 9.11.2010 fixing minimum floor rates of land for determining the compensation in the State of Haryana. The relevant extract of the policy is as under:-

Sr. No.	***Particulars***	***Floor Rates per acre of land (pre-revision)***	***Floor Rates per acre as revised w.e.f. 07.09.2010***
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) Sonepat-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 Rs. 8.00 Lakh	Rs. 20.00 Lakh
5	Remaining Parts of the State	Rs. 8.00 Lakh	Rs. 12.00 Lakh

14. A perusal of aforesaid policies shows that from the year 2007 to 2010 the State of Haryana itself had increased the value of the land in the area in question i.e. from ₹ 16,00,000/- to ₹ 20,00,000/- per acre. Increase per month for the time gap in two polices will come out to ₹ 9,638.55. The time gap in the present case is about seven months. If the aforesaid amount is added for the time gap, the compensation comes to ₹ 16,67,469.85, which is rounded off to ₹ 16,68,000/- per acre.

15. For the reasons mentioned above, the appeals are allowed. The landowners are awarded compensation @ ₹ 16,68,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

05.11.2015 **(Rajesh Bindal)**
vs. **Judge**