

In the High Court of Punjab and Haryana at Chandigarh

**Regular First Appeal No. 5916 of 2011
Date of Decision: 19.3.2015.**

Narender Kumar and others

.....Appellants

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Shailendra Jain, Senior Advocate with
Ms. Mannu Chaudhary, Advocate

Mr. C.S.Singh, Advocate for
Mr. Sudhir Mittal, Advocate,

Mr. Rajiv Joshi, Advocate

Mr. Anurag Jain, Advocate

Mr. Rose Gupta, Advocate

Mr. S.K.Sharma, Advocate

Mr. Sandeep Kotla, Advocate

Mr. Amit Jain, Advocate,

Mr. S.K.Sharma, Advocate for
Mr. M.L.Sharma, Advocate,

Mr. Arvind Rajotia, Advocate

Mr. Sunil K. Rana, Advocate for
Mr. Amit Jain, Advocate

Mr. S.K.Sharma, Advocate and

Mr. Aditya Jain, Advocate,
for the land owners.

Mr. B.R.Mahajan, Advocate General, Haryana with
Ms. Gaganpreet Kaur, AAG, Haryana.

SABINA, J.

Vide this judgment, above mentioned appeal as well as following appeals filed by the claimants and State and cross objections would be disposed of as they have arisen out of the same award dated 31.5.2011 passed by the Reference Court:-

Appeals filed by the State

1. RFA No. 181 of 2012
2. RFA No. 182 of 2012
3. RFA No. 183 of 2012
4. RFA No. 184 of 2012
5. RFA No. 185 of 2012
6. RFA No. 186 of 2012
7. RFA No. 187 of 2012
8. RFA No. 188 of 2012
9. RFA No. 189 of 2012
10. RFA No. 190 of 2012
11. RFA No. 191 of 2012
12. RFA No. 192 of 2012
13. RFA No. 193 of 2012
14. RFA No. 194 of 2012
15. RFA No. 195 of 2012
16. RFA No. 196 of 2012
17. RFA No. 197 of 2012
18. RFA No. 198 of 2012
19. RFA No. 199 of 2012
20. RFA No. 200 of 2012
21. RFA No. 201 of 2012
22. RFA No. 202 of 2012
23. RFA No. 203 of 2012

24. RFA No. 571 of 2012
25. RFA No. 572 of 2012
26. RFA No. 573 of 2012
27. RFA No. 574 of 2012
28. RFA No. 575 of 2012
29. RFA No. 576 of 2012
30. RFA No. 577 of 2012
31. RFA No. 578 of 2012
32. RFA No. 579 of 2012
33. RFA No. 580 of 2012
34. RFA No. 581 of 2012
35. RFA No. 582 of 2012
36. RFA No. 583 of 2012
37. RFA No. 584 of 2012
38. RFA No. 585 of 2012
39. RFA No. 586 of 2012

Appeals filed by the claimants

1. RFA No. 272 of 2012
2. RFA No. 876 of 2012
3. RFA No. 5917 of 2011
4. RFA No. 5918 of 2011
5. RFA No. 5919 of 2011
6. RFA No. 6059 of 2011
7. RFA No. 6060 of 2011
8. RFA No. 6134 of 2011
9. RFA No. 6168 of 2011
10. RFA No. 6169 of 2011
11. RFA No. 6177 of 2011
12. RFA No. 6178 of 2011

13. RFA No. 6769 of 2011
14. RFA No. 6770 of 2011
15. RFA No. 6771 of 2011
16. RFA No. 6772 of 2011
17. RFA No. 6773 of 2011
18. RFA No. 6774 of 2011
19. RFA No. 6885 of 2011
20. RFA No. 6897 of 2011
21. RFA No. 6900 of 2011
22. RFA No. 6901 of 2011
23. RFA No. 6907 of 2011
24. RFA No. 7131 of 2011
25. RFA No. 7444 of 2011
26. RFA No. 7445 of 2011
27. RFA No. 7650 of 2011
28. RFA No. 7690 of 2011
29. RFA No. 7904 of 2011

Cross objections Nos.

1. 25-CI of 2012 in RFA No. 196 of 2012
2. 29-CI of 2014 in RFA No. 199 of 2012
3. 30-CI of 2014 in RFA No. 586 of 2012

Learned senior counsel for the land owners has submitted that these appeals are covered by the decision given by this Court in RFA No. 5626 of 2010 decided on 26.3.2014 and as modified by the Apex Court in appeal vide order dated 22.8.2014.

Learned Advocate General has not controverted the submissions made by learned counsel for the land owners.

In the present case, land in question was acquired for commercial and residential Sectors 3, 5, 1 and 4 at Hisar by

Haryana Urban Development Authority. Notification under Section 4 of the Land Acquisition Act, 1894 ('Act' for short), was issued on 19.5.2003. Declaration under Section 6 of the Act was made on 11.5.2004.

Land measuring 313.67 acres was earlier also sought to be acquired for commercial and residential sectors 3 and 5 vide notification dated 13.11.2002 under Section 4 of the Act. The Land Acquisition Collector had awarded compensation at the rate of ₹ 6,00,000/- per acre vide award dated 8.11.2005. Reference Court had granted compensation at the rate of ₹ 670/- per square yard. This Court while deciding RFA No. 5626 of 2010 and other connecting appeals, while relying on decision of the Apex Court in '**Ahsarfi and others versus State of Haryana and others**', enhanced the amount of compensation by giving 12% increase per year for the intervening period of the notification in Asharfi's case (supra) and the notification under Section 4 of the Act dated 13.11.2002.

This Court while disposing of RFA No. 5626 of 2010 on 26.3.2014 has held as under:-

“Thus, the claimants are entitled to receive market value of the land as assessed by the Apex Court at the rate of ₹ 325/- per square yard + 12% increase per year for 10 years and 3 months. The amount of enhancement works out to ₹ 325 x 12% x 10¼ years = ₹ 399.75 paisa. Therefore, the claimants are entitled to receive compensation at the rate of ₹ 325 + ₹ 399.75 paisa = ₹ 724.75 paisa.

Accordingly, the appeals filed by the State are

dismissed whereas the appeals and cross objections filed by the claimants are allowed. Claimants are entitled to receive compensation at the rate of ₹ 724.75 paisa per square yard.”

The said order was modified by the Apex Court vide order dated 22.8.2014 in appeal and it was held as under:-

“From the impugned judgment of the High Court, it transpires that the High Court has followed the judgment of this Court in Asharfi and others Vs. State of Haryana and others 2013(5) SCC 527 and has given increase at the rate of 12%. This was the demand of the petitioners herein which has been accepted following the ratio in Asharfi case (supra). To the extent there is no quarrel. However, it is pointed out by the learned counsel for the petitioner that in Asharfi case (supra), yearly increase of 12% was granted cumulatively and not at flat rate. This position as contained in Asharfi case (supra) could not be disputed by Mr. Narender Hooda, learned senior counsel for the State. Accordingly, the order of the High Court is modified to the extent that the 12% increase granted by the High Court shall be worked out on cumulative basis.”

In the present case, notification under Section 4 of the Act was issued on 19.5.2003 whereas in Asharfi's case (supra), the notification under Section 4 of the Act was issued on 20.8.1992. Thus, the time period that has elapsed between both the notifications is 10 years and 09 months

In view of the decision given by this Court in RFA No. 5626 of 2010 decided on 26.3.2014 and as modified by the

