

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

RFA No. 3519 of 2013 (O&M)
LAC No. 378 of 2011

Date of decision : 5.11.2015

Nafe Singh and others

.. Appellants

versus

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashwani Gaur and Mr. Vikram Punia, Advocates,
for the landowners.
Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 3519 to 3522, 2271 to 2274 of 2013, 2545, 3393, 7345, 7710 of 2014, as the same arise out of common acquisition.

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

Briefly, the facts are that vide notification dated 8.7.2008, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire land situated in village Sewli, Hadbast No. 39, Tehsil and District Sonapat, for development of residential and commercial sectors 65, 66, 67 and 68, Sonapat. Notification under Section 6 of the Act was issued on 10.7.2008. The Land Acquisition Collector (for short, 'the Collector') vide award no.2 dated 19.5.2010 assessed the market value of the acquired land @ ₹ 16,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below vide award dated 17.1.2013 determined the market value of the acquired land @ ₹ 36,68,000/- per acre. It is this award, which has been impugned in the present appeals by the landowners.

Learned counsel for the landowners submitted that the learned court below has not awarded just and fair compensation for the acquired land keeping in view its location. The land in question was acquired for the purpose of development as residential and commercial sectors. It was left over portion out of earlier acquired land and the area already stood developed. Reliance was placed upon the award pertaining to acquisition of land in same village Sewli for development and utilisation thereof as commercial institutions and residential purposes, Sectors 65, 66, 67, and 68, Sonapat, and developed as Rajiv Gandhi Education City, where notification under Section 4 of the Act was issued on 17.11.2005 and this Court in RFA No. 5360 of 2011 – Kehar Singh vs State of Haryana and others, decided on 3.11.2015, has assessed the compensation @ ₹ 32,00,000/- per acre. Even the learned Reference Court has also placed reliance upon its award pertaining to the same acquisition, however, at that stage the appeals were pending before this Court. As now those have been decided, the compensation may be granted in terms thereof.

Learned counsel for the State did not dispute the fact that acquisition in the area was earlier carried out vide notification dated 17.11.2005 for the same purpose and this Court in Kehar Singh's case (supra) had assessed the compensation @ ₹ 32,00,000/- per acre. He fairly submitted that for the acquisition later in time in same area, the landowners are entitled to increase on the amount of compensation for the time gap.

After hearing learned counsel for the parties, I find merit in the submissions made by learned counsel for the landowners. For the acquisition in question, the notification under Section 4 of the Act was issued on 8.7.2008, whereas the earlier notification acquiring the land in the area for the same purpose was issued on 17.11.2005. There is a time gap of two years and seven months. This Court in Kehar Singh's case (supra), has assessed the compensation for the land acquired vide notification dated 17.11.2005 @ ₹ 32,00,000/- per acre. As there is time gap of two years and seven months, the landowners are entitled to increase thereon @ 12% per annum to be calculated with cumulative effect. If the aforesaid amount is added, the compensation comes to ₹ 42,95,069/-, which is rounded off to ₹ 43,00,000/- per acre.

Accordingly, the landowners in the present set of appeals shall be entitled to compensation @ ₹ 43,00,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

The appeals filed by the landowners are allowed and the appeals filed by the State are dismissed.

5.11.2015
vs

(Rajesh Bindal)
Judge