

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

RFA No. 3213 of 2015 (O&M)

LAC No. 585 of 2011

Date of decision : 28.9.2015

Mukhtyar and another

... Appellants

VS

State of Haryana and others

... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Vivek Khatri, Advocate, for the appellant.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

This will dispose of RFA Nos. 3213, 3539 to 3548, 4563 of 2015, as the same arise out of common acquisition.

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

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 of village Dever Khana, Tehsil Bahadurgarh, District Jhajjar, for construction of NCR Water Supply Channel. Notification under Section 6 of the Act was issued on 25.6.2007. The Land Acquisition Collector (for short, 'the Collector') vide award dated 7.4.2008 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 29.8.2014, assessed the compensation @ ₹ 17,20,488/- per acre. It is this award which has been impugned before this court by the landowners in the present set of appeals.

Learned counsel for the landowners submitted that the learned court below has not awarded just and fair compensation for the acquired land. The value of the land was not less than ₹ 40,00,000/- per acre. In the

present case the award of the Collector was announced on 7.4.2008 and it has been specifically noticed in the impugned award of the learned court below that in terms of the policy dated 9.11.2010 circulated by the Government of Haryana 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. However, still the landowners in the present case have been awarded only ₹ 17,20,488/- per acre as compensation. However, the learned Court below has not calculated the increase properly.

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 just and fair. The award of the Collector was already on the higher side. There was no cogent evidence led by the landowners for enhancement of compensation for the acquired land. It is due to the policies of the State Government that the landowners were granted higher compensation, which does not call for any interference by this Court.

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

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 vide which minimum rates were fixed 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.

i) Minimum floor rate for urbanisable area of Gurgaon.	Rs. 15.00 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 @ ₹ 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. In the present case, the award was announced by the Collector on 7.4.2008 whereas the policy dated 6.4.2007 came into force with effect from 22.3.2007.

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:-

<i>Sr. No.</i>	<i>Particulars</i>	<i>Floor Rates per acre of land (pre-revision)</i>	<i>Floor Rates per acre as revised w.e.f. 07.09.2010</i>
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) Sonapat-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

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 policies will come out to ₹ 9,638.55/-. The time gap in the present case is one year fifteen days. If it is multiplied by ₹ 9,638.55 per month, the amount would come out to ₹ 1,20,479/-.

No other evidence has been led by the landowners to show the value of the land in the area.

Considering the time gap between the cut off date in the policy notified in the year 2007 and the award of the Collector in the present case, in my opinion, the learned Court below has rightly assessed the compensation @ ₹ 17,20,488/- per acre. No case for further enhancement is made out.

Accordingly, the appeals are dismissed. Consequently, the applications for condonation of delay in filing the appeals are also dismissed.

28.9.2015
vs.

(Rajesh Bindal)
Judge