

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

RFA No. 3347 of 2015 (O&M)

LAC No. 444 of 2012

Date of decision : 15.9.2015

Smt. Sarti and others

... Appellants

VS

State of Haryana and another

... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Jagjeet Beniwal, Advocate, for the landowners.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

This order shall dispose of RFA Nos. 3144, 3347, 3348, 3361 to 3363, 3369 to 3373 of 2015, arising out of same acquisition.

The landowners are in appeal before this court seeking enhancement of compensation for the acquired land.

Briefly, the facts of the case are that the State of Haryana vide notification dated 4.10.2007 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land measuring 10.07 acres situated within the revenue estate of Village Dhanana, Hadbast No.52, Tehsil and District Bhiwani, for construction of New Badesra Minor. Notification under Section 6 of the Act was issued on 17.6.2008. The Land Acquisition Collector (for short, 'the Collector') vide award dated 5.11.2008 assessed the market value of the acquired land @ ₹ 8,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below rejected the claim of the landowners. Aggrieved against the award of the learned Court below, the landowners are in appeal before this Court.

Learned counsel for the landowners submitted that the learned Court below has wrongly rejected the claim of the landowners. The value of the land in the area was not less than ₹ 25,00,000/- per acre. It was further

submitted that the State Government had issued policies dated 28.4.2005 and 6.4.2007 fixing minimum rates of the land in the State. The award in the present case was announced on 5.11.2008. The submission is for determination of value keeping in view the policies, location and potentiality of the acquired land.

Learned counsel for the State submitted that the award of the Collector was just and fair. The learned court below after considering the evidence led by the parties has rightly rejected the claim of the landowners. However, he could not dispute the fact that the State Government had issued policies from time to time regarding valuation of acquired land in the State.

Heard learned counsel for the parties and perused the relevant referred record.

Notification in the present case under Section 4 of the Act was issued on 4.10.2007. Award was announced by the Collector on 5.11.2008. There is no dispute that the State Government had issued policies in the years 2005, 2007 and 2010 whereby the minimum compensation for the acquired land was fixed in the State of Haryana. The policy dated 6.4.2007, provides that all the landowners in whose cases the award of the Collector was passed on or after 22.3.2007, irrespective of date of notification under Section 4 of the Act, shall be entitled to minimum compensation @ ₹ 8,00,000/- per acre. 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."

The policy dated 6.4.2007, shows that the minimum floor rates for the rest of the Haryana State were revised to ₹ 8,00,000/- per acre from ₹ 5,00,000/- per acre, which was fixed as per policy circulated on 28.4.2005, effective from 5.3.2005, and the rates are applicable on all those acquisitions where awards by the Collector have been announced on or after 22.3.2007 irrespective of date of notification under Section 4 of the Act.

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 by 50% in the area in question i.e. from ₹ 8,00,000/- to ₹ 12,00,000/- per acre in a time gap of 3 years 5½ months. This is evident of rising prices of land on which there is lot of pressure in recent times because of demand for urbanization and other infrastructural facilities.

Award in the present case was announced by the Collector on 5.11.2008 which is about 19 months after the cut off date in the policy notified in the year 2007 whereby minimum rate for acquisition of land was fixed at ₹ 8,00,000/- per acre. As already noticed above, the policy was revised in the year 2010 providing for compensation @ ₹ 12,00,000/- per acre. If calculated for the time of gap of 3 years 5½ months, the increase comes out @ 12% per annum with cumulative effect.

The aforesaid policy letters, in my opinion, can be considered as a piece of evidence showing the value of the land. Considering the date

of award and the applicability of the policy dated 6.4.2007 vide which the State Government itself had provided the value of the acquired land in the area in question as ₹ 8,00,000/- per acre, and the fact that the award in the present case was announced on 5.11.2008, the landowners deserve to be granted increase in terms of the increase which the State itself granted while circulating policies in the year 2007 and 2010. Taking into account the aforesaid facts, as the award in the present case was announced by the Collector on 5.11.2008, the landowners in the present case deserve to be granted compensation by adding 12% per annum cumulatively on ₹ 8,00,000/- with effect from 22.3.2007 till the announcement of award by the Collector in the present case i.e. about 19 months. If the aforesaid amount is added, the amount of compensation comes to ₹ 9,58,720/- per acre, which is rounded off to ₹ 9,60,000/- per acre. Accordingly, the value of the acquired land is determined @ ₹ 9,60,000/- per acre.

Ordered accordingly.

The landowners shall also be entitled to all the statutory benefits available under the Act.

The appeals stand disposed of.

15.9.2015

vs.

(Rajesh Bindal)
Judge