

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

RFA No. 4492 of 2015 (O&M)
LAC No. 14 of 2014

Date of decision : 19.11.2015

Sujan Singh and others ... Appellants
vs
The Superintendent Engineer and others ... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Chander Pal Tiwana, Advocate,
Mr. Gaurav Rana, Advocate for
Mr. Surender Singh Dalal, Advocate, for the landowners.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 4492, 4493, 4685, 4686, 4720 and 4721 of 2015, as the same arise out of common acquisition.

The landowners are seeking enhancement of compensation for the acquired land.

Briefly, the facts of the case are that vide notification issued on 22.2.2005, under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land situated in village Jakholi, Hadbast No.56, Tehsil and District Kaithal, for construction of Kotra minor from RD-22900 to 35208. It was followed by notification dated 28.3.2005 issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no.39 dated 22.3.2007 assessed compensation for the acquired land @ ₹ 5,00,000/- per acre. Dissatisfied with the award of the Collector, the land owner filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 6.2.2015, assessed the compensation for the acquired land @ 5,40,000/- per acre. Some of the landowners were also held entitled to ₹ 50,000/- per acre on account of bifurcation of their land. 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 wrongly assessed the compensation for the acquired land. It has not awarded compensation keeping in view the location and potential value of the land. The value of the land was not less than ₹ 25 lacs per acre. He further submitted that the Government had issued policies from time to time for awarding compensation for the acquired land in the State in terms of which compensation has to be awarded keeping in view the date of the award. He prayed that as the award in the present case was announced on 22.3.2007, the compensation be awarded to the landowners in terms of policy circulated on 6.4.2007.

On the other hand, learned counsel for the State submitted that the Collector has awarded just and fair compensation. However, the learned Court below has wrongly increased the compensation for the acquired land. The landowners have not produced any sale-deed in support of their claim. It was submitted that value of the land in the area was not as much as has been claimed by the landowners. However, he did not dispute the fact that the State of Haryana had fixed minimum rates for acquisition of land in the State vide policies dated 28.4.2005, 6.4.2007 and 9.11.2010.

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

Notification in the present case for acquisition of land was issued on 22.2.2005 for construction of Kotra minor. Though the landowners have claimed compensation before the learned court below @ ₹ 25,00,000/- per acre, but they have not produced any sale-deed or any other evidence to show the price as claimed, except oral statements. They have relied upon the policies issued by the Government from time to time.

Admittedly, the Government of Haryana had issued policies dated 28.4.2005, 6.4.2007 and 9.11.2010 fixing minimum rates of the land in the State of Haryana. The policy dated 28.4.2005, provides that all the landowners in whose cases the award of the Collector was passed on or after 5.3.2005 irrespective of date of notification under Section 4 of the Act, shall be entitled to minimum compensation @ ₹ 5,00,000/- per acre.

The aforesaid policy dated 28.4.2005 issued by the Government

was revised on 6.4.2007, increasing the minimum rates in the State as fixed in the year 2005. 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 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.

In the present case, the award was announced by the Collector on 22.3.2007 and the policy 6.4.2007, the date of applicability is also 22.3.2007. The aforesaid policy letter, in my opinion, can be considered as a piece of evidence showing the value of the land. Taking into account the aforesaid facts, as the award in the present case was announced by the Collector on 22.3.2007, the landowners in the present case deserves to be granted compensation @ ₹ 8,00,000/- per acre.

For the reasons mentioned above, the present appeals are allowed. The award of learned Court below is modified only to the extent of value of the acquired land. The same is assessed @ ₹ 8,00,000/- per acre. Amount of damages awarded on account of severance is upheld. The landowners shall also be entitled to all the statutory benefits available to them under the Act.

19.11.2015
vs.

(Rajesh Bindal)
Judge