

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

RFA No. 4525 of 2015 (O&M)
LAC No. 319 of 2013

Date of decision : 19.11.2015

Manphool (deceased) through LRs and others ... Appellants
VS
State of Haryana and others ... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: 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. 4525, 4805 to 4810 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 Kotra, Hadbast No.53, 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.18 dated 11.9.2006 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 30.1.2015, assessed the compensation for the acquired land @ ₹ 5,40,000/- 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 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 of Haryana had circulated policies from time to time fixing minimum rates in the State. It was further submitted that the State Government had revised policy dated 28.4.2005 on 6.4.2007 fixing minimum rates of the land in the State from ₹ 5,00,000/- per acre to ₹ 8,00,000/- per acre. The submission is that as the award in the present case was announced on 11.9.2006, a reasonable increase should be granted on the basis of the value of the land as provided in the policies circulated on 28.4.2005 and 6.4.2007, respectively.

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 already on the higher side. There is no sale-deed produced on record by the landowners to show that the value of the land as assessed by the Collector was on lower side. The evidence produced by the State clearly established that the award of the Collector was already on the higher side. However, he did not dispute the fact that the minimum rates provided for acquisition of land in the State of Haryana were revised from ₹ 5,00,000/- per acre to ₹ 8,00,000/- per acre vide policy dated 6.4.2007.

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

It is not disputed by the learned counsel for the State that the Government of Haryana had issued policies from time to time whereby the minimum compensation for acquisition of the land in the State of Haryana, was fixed. The policy dated 28.4.2005, provides that all the landowners in whose cases the award of the Collector was announced 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. Policy dated 28.4.2005 was revised on 6.4.2007. 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."

As per the aforesaid policy dated 6.4.2007 the minimum floor rate in the Haryana State was fixed @ ₹ 8,00,000/- per acre and the rates are applicable to 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 11.9.2006 whereas the policy dated 6.4.2007 came into force with effect from 22.3.2007.

The value of the land in question, as per the policy of the Government dated 28.4.2005, was ₹ 5,00,000/- per acre. It increased from ₹ 5,00,000/- to ₹ 8,00,000/- per acre in the year 2007. As per aforesaid policies, there is increase @ ₹ 12,500/- per month in the price of land from the year 2005 to 2007. It shows that even State accepted in principle that the prices of the land had been increasing gradually. 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. The award in the present case was announced by the Collector on 11.9.2006 and the policy dated 6.4.2007 came into force with effect from 22.3.2007. There is gap of about eighteen months between the date of award of the Collector and the effective date of policy dated 28.4.2005 i.e. 5.3.2005.

Taking into account the aforesaid facts, as the award in the present case was announced by the Collector on 11.9.2006, the landowners in the present case deserve to be granted compensation by granting increase @ ₹ 12,500/- per month on ₹ 5,00,000/- with effect from 5.3.2005 till the announcement of award by the Collector in the present case i.e. about 18 months. If the aforesaid amount is added, the compensation comes to ₹ 7,25,000/-.

For the reasons mentioned above, the appeals are allowed. The landowners are awarded compensation @ ₹ 7,25,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

19.11.2015
vs.

(Rajesh Bindal)
Judge