IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 4707 of 2014 (O&M)
LAC No. RBT-237 of 2010/2013

Date of decision : 05.11.2015

Ram Singh ... Appellant

vs

State of Haryana and others ... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sanjay Mittal, Advocate, for the landowners.

Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This will dispose of RFA Nos. 4707 to 4729, 10609, 10627 to 10629 and 10842 of 2014**,** 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 measuring 45.53 acres of village Badli and other villages, Tehsil Bahadurgarh, District Jhajjar, for construction of NCR Water Supply Channel from KM 37.575 to 64.936. Notification under Section 6 of the Act was issued on 25.6.2007. The Land Acquisition Collector (for short, `the Collector') vide award no.9 dated 30.4.2008 assessed compensation for the acquired land @ ₹ 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 order dated 31.1.2014, assessed the compensation @ ₹ 17,28,520/- 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 considering its location and potential value. The acquired land falls within the National Capital Region Project Area. It is adjacent to the Thermal Power Plant, Jharli. It is surrounded by Special Economic Zone (SEZ) developed by the Reliance India Company of Reliance Group. The Reliance Group has purchased the land in the area @ ₹ 22,000,00/- per acre. The value of the land was not less than ₹ 40,00,000/- per acre.

Learned counsel for the landowners further submitted that the learned Court below has not considered the evidence led by the landowners in the form of sale-deeds, Ex.P4 to Ex.P23, vide which land in the area was sold in the range of ₹ 22,00,000 to ₹ 80,000,00/- per acre. He further submitted that M/s Reliance Haryana SEZ Limited company has purchased the land @ ₹ 22,000,00/- per acre. Sale consideration paid therein clearly established the value of the acquired land in the area. He further submitted that considering the size of the land dealt with in the sale-deeds, the same can very well be relied upon for the purpose of assessment of compensation after application of a reasonable cut, as the genuineness thereof is not in dispute.

Learned counsel for the landowners further submitted that in the present case the award of the Collector was announced on 30.4.2008 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 ₹ 17,28,520/- 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. As regards sale instances pertaining to land purchased by M/s Reliance Haryana SEZ Limited company, he submitted that the land purchased was for getting the license for development as Special Economic

Zone and it was not a normal transaction. However, he did not dispute the fact that the minimum rates provided for acquisition of land in the State of Haryana were revised from ₹ 16,00,000/- per acre to ₹ 20,00,000/- per acre vide policy dated 9.11.2010.

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

No site plan has been produced by either of the parties to show the location of the acquired land and the land pertaining to sale-deeds relied upon by them. In the absence thereof, the quality of the land cannot be compared. Hence, the same cannot be relied upon.

As far as sale-deeds, vide which the land was purchased by M/s Reliance Haryana SEZ Company, for getting the license for development as Special Economic Zone and it was not a normal transaction. The location of this type of land is far better than those purchased in normal transactions for the reason that the company had to purchase big chunk of land for getting the license for development as Special Economic Zone.

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 inlcuding 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 inlcuding 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 30.4.2008 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:-

Sr. No.	***Particulars***	***Floor Rates per acre of land (pre-revision)***	***Floor Rates per acre as revised w.e.f. 07.09.2010***
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) Sonepat-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 polices will come out to ₹ 9,638.55. The time gap in the present case is more than 13 months. If it is multiplied by ₹ 9,638.55 per month and added in the amount in terms of policy dated 22.3.2007 i.e. ₹ 16,00,000/-, the amount would come out to about ₹ 17,28,520/- per acre.

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 @ ₹ 17,28,520/- per acre. No case for further enhancement is made out.

Accordingly, the appeals are dismissed.

05.11.2015 **(Rajesh Bindal)**
vs. **Judge**