

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 4799 of 2014 (O&M)
Date of decision: 24.8.2015

Rohtas Kumar

.. Appellant

v.

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Ms. Divya Godara, Advocate for the landowner(s).
Mr. Arun Beniwal, Deputy Advocate General, Haryana.

...

Rajesh Bindal J.

This order will dispose of RFA Nos. 4799 to 4803 of 2014, as the same arise out of one acquisition.

The landowners are in appeal seeking further enhancement of compensation for the acquired land awarded by the learned court below.

Briefly, the facts of the case are that vide notification dated 25.6.2009, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire 2.16 acres of land, situated in village Madho Singhana, Tehsil and District Sirsa for construction of New Mangala Direct Minor in village Madho Singhana. The same was followed by notification dated 10.12.2009, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 21.2.2011 assessed the compensation of the acquired land @ ₹ 12,00,000/- per acre. Aggrieved against the award of

the Collector, the landowners filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, upheld the award of the Collector, however, granted ₹ 7,20,000/- per acre in respect of only those landowners whose land had been bifurcated. It is the aforesaid award, which has been impugned in the present appeals.

Learned counsel for the landowners submitted that the amount of compensation awarded by the court below is not fair. The value of the land in the area was much more at that time. Reference was made to the award pertaining to acquisition of land for construction of 800 Mega Watt. Gorakhpur Atomic Power Project in village Gorakhpur, Tehsil and District Fatehabad. She further submitted that even as per the policy of the Government, the compensation has not been properly calculated, as the award of the Collector was passed in this court on 21.2.2011, whereas the policy dated 11.9.2010 provided for minimum compensation of ₹ 12,00,000/- per acre.

On the other hand, learned counsel for the State submitted that the landowners had already been granted appropriate compensation for the acquired land, rather, instead of the claim made by the landowners to the extent of 20% on account of damages suffered for bifurcation of the land, the learned court below has awarded 60% of the market value of the acquired land.

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

In the case in hand, there is no evidence led by the landowners justifying further enhancement of compensation as there is no sale deed produced on record. The policy dated 11.9.2010, as notified by the Government, provided that in the cases where awards are announced by the Collector on or after 7.9.2010, the minimum compensation payable will be ₹ 12,00,000/- per acre. The award in the present case was announced nearly after five months and the same amount was awarded. There could have been some increase for this time-gap, however, as the fact remains that the landowners in the present case have been awarded compensation on account

of severance of land @ 60% of the market value of the land, even though they claimed merely 20%, I do not find any reason to increase the compensation any further.

For the reasons mentioned above, the appeals are dismissed. Consequently, the accompanying applications are also dismissed.

(Rajesh Bindal)
Judge

24.8.2015
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