

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

**CM No. 11976/CI of 2015 and
RFA No. 5798 of 2015 (O&M)**
LAC No. 22 of 2012
Date of decision : 29.9.2015

Yogesh ... Appellant
VS
State of Haryana and others ... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashish Gupta, Advocate, for the appellant.
Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

By filing the present appeal, the landowner is seeking enhancement of compensation for the acquired land. Along with appeal, application seeking condonation of delay of 180 days in filing thereof has also been filed.

Briefly, the facts of the case are that vide notification issued on 28.2.2007, under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire 5.26 acres land of village Kelanga, Hadbast No. 130, Tehsil and District Bhiwani, for construction of Extension and Remodling of Kelanga Drain. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no.23-B dated 26.3.2008 assessed compensation @ ₹ 8,00,000/- 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 1.10.2014 upheld the award of the Collector. It is this award which has been impugned before this court by the landowner in the present appeal.

CM No. 11976/CI/2015

After hearing learned counsel for the parties and considering the judgments of Hon'ble the Supreme Court in Imrat Lal and others vs

Land Acquisition Collector and others 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs. vs Haryana State and others 2015(2) RCR (Civil) 507, delay of 180 days in filing the appeal is condoned. However, for the period of delay in filing the appeal, the appellant shall not be entitled to interest on the enhanced compensation.

Civil misc. stands disposed of.

Appeal

Learned counsel for the landowner submitted that the learned court below has not awarded just and fair compensation for the acquired land, though it is extension and remodeling of Kelanga Drain. He further submitted that the Government of Haryana had circulated policies from time to time fixing minimum rates in the State. In terms of policy circulated on 6.4.2007, the minimum rate for the acquired land was fixed as ₹ 8,00,000/- per acre and the same is applicable to 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 rate was revised from ₹ 8,00,000/- to ₹ 12,00,000/- with effect from 7.9.2010 vide policy dated 9.11.2010. The aforesaid fact clearly establishes that the Government had accepted the appreciation of prices during the interregnum. He prayed that as the award in the present case was announced on 26.3.2008, a reasonable increase or cut can be applied on the value of the land as provided in the policies circulated on 6.4.2007 and 9.11.2010.

On the other hand, learned counsel for the State submitted that the amount of compensation as awarded to the landowner in the present case is just and fair. 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 ₹ 8,00,000/- per acre to ₹ 12,00,000/- per acre vide policy dated 9.11.2010.

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.

i) Minimum floor rate for urbanisable area of Gurgaon.	Rs. 20.00 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 26.3.2008 whereas the policy dated 6.4.2007 came into force with effect from 22.3.2007. The policy dated 6.4.2007 was revised on 9.11.2010. 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

<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>
5	Remaining Parts of the State	Rs. 8.00 Lakh	Rs. 12.00 Lakh

As per policy dated 9.11.2010, in some parts there is 100% increase in the price of land from the year 2007 to 2010, whereas in some parts it is 50%. 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 and vide policy dated 9.11.2010, it has been increased to ₹ 12,00,000/- per acre. It shows that even State accepted in principle that the prices of the land had been increasing gradually. The award in the present case was announced by the Collector on 26.3.2008 and the policy dated 9.11.2010 came into force with effect from 7.9.2010. 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 increase from ₹ 8,00,000/- to ₹ 12,00,000/- if calculated from 22.3.2007 till 7.9.2010, the effective dates of two policies, providing for minimum rates, the same comes to 13.483% or ₹ 8,988/- per month. Taking into account the aforesaid facts, as the award in the present case was announced by the Collector on 26.3.2008, the landowners in the present case deserve to be granted compensation by adding ₹ 8,988/- per month on ₹ 8,00,000/- with effect from 22.3.2007 till the announcement of award by the Collector in the present case i.e. one year. If the aforesaid amount is added, the compensation comes to ₹ 9,07,856/-, which is rounded off to ₹ 9,08,000/- per acre.

For the reasons mentioned above, the appeal is allowed. The landowner is awarded compensation @ ₹ 9,08,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

However, the landowner shall not be entitled to interest for the period of delay in filing the appeal i.e. 180 days.

29.9.2015
vs.

(Rajesh Bindal)
Judge