IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 5231 of 2014 (O&M)
LAC No. 387 of 2010

Date of decision : 10.12.2015

Bhagwan Dass .. Appellant

versus

State of Haryana and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. R. S. Sihota, Senior Advocate with
Mr. B. R. Rana, Advocate,
Mr. Adarsh Jain, Mr. Kul Bhushan Sharma,
Mr. Ram Bilas Gupta, Mr. Ashok Kaushik,
Mr. Vikas Kumar, Mr. Rajiv Sharma,
Mr. Shiv Kumar, Advocates, for the landowner (s).

Mr. Randhir Singh, Addl. Advocate General, Haryana with
Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

1. This order will dispose of the following appeals bearing

RFA Nos. 1602, 1811 to 1838, 4709, 5403,7266, 7267 of **2012**;
RFA Nos. 3373, 4326, 4388, 4528, 4529, 4531, 5862 to 5869, 6363, 8044 of **2013**;
RFA Nos. 2098, 2784, 5231, 5243, 9810, 10336 of **2014**; and
RFA Nos. 1025, 1026, 3220, 4625 of **2015,**

as the same arise out of common acquisition.

2. By filing appeals, the landowners are seeking enhancement of compensation for the acquired land.

3. Briefly, the facts are that vide notification dated 15.6.2006, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire 145.33 acres of land situated in village Ferozepur, Hadbast No.64, 42.08 acres of village Agwanpur, Hadbast No.65, 84.66 acres of village Palwal, Hadbast No. 73, Tehsil and District Palwal, for development and utilisation thereof as Transport Nagar, Sector-21, Palwal. Notification under Section 6 of the Act was issued on 14.6.2007. The Land Acquisition Collector (for short, 'the Collector') vide

award nos.8, 9 and 10 dated 9.6.2009, assessed the market value of the acquired land of all the villages @ ₹ 16,00,000/- per acre. Dissatisfied with the awards of the Collector, the landowners filed objections. On reference, the learned court below vide different awards dated determined the market value of the acquired land @ ₹ 17,00,000/- per square yard for all the villages. These awards have been impugned in the present set of appeals by the landowners.

4. Learned counsel for the landowners submitted that the Reference Court in the case in hand has failed to appreciate the evidence produced on record by the landowners in the form of sale-deeds for the purpose of assessment of compensation. The relevance and genuineness of the sale-deeds was not in dispute as the State has not preferred any appeal against the impugned award. The average sale consideration paid in the sale-deeds relied upon by the learned Court below where the area dealt with was quite large was ₹ 28,47,137.69. The learned Court below applied development cut of 1/3rd thereon, which was not required considering the fact that the sale was not of any developed area but was of agriculture land, where there was no development activity as such. If any cut is required to be applied, the same should not be more than 10%. It was further submitted that even after calculation of 1/3rd cut, the learned Court below came to figure of ₹ 19,00,000/- as compensation. However, further a sum of ₹ 2,00,000/- were reduced by referring to the re-settlement policy of the Government stating the the landowners are also entitled to annuity for a period of 33 years. The same cannot be sustained in judicial scrutiny. Learned counsel for the landowners did not refer to any site plan showing the location of the land pertaining to the sale-deeds viz-a-viz the acquired land.

5. On the other hand, learned counsel for the State while not disputing the fact that the sale-deeds produced by the landowners are relevant and genuine submitted that the cut applied by the learned Court below is on lower side rather it should have been higher, at least @ 50%. The land in question was acquired for the purpose of development as Transport Nagar where large area was left for the purpose of parking, the plotable area was quite small. None of the sale-deeds produced by the

landowners was forming part of the acquired land. The landowners have already been granted much more compensation as compared to the value of the land in the area. The transport area is always developed outside the city considering the nature of business and the activity. Hence, the award of the Reference court does not call for any interference by this Court.

6. Heard learned counsel for the parties and perused the relevant referred record.

7. The land in question is located adjoining to the Palwal bye-pass. It was acquired for transport hub towards Delhi side from Palwal. The acquired land was situated just at a distance of ½ kilometer from National Highway No.2 and from the Palwal Township. The main Palwal City and G.T. Road Delhi-Agra, is situated just at a distance of one kilometer from the acquired land.

8. The landowners have produced various sale-deeds on record. The following sale-deeds were taken into consideration by the learned Reference Court, the genuineness of which was not disputed by learned counsel for the State :-

Exhibit	***Dated***	***Village***	***Area***	***Sale price in ₹***	***Average price in ₹***
P-15	23.6.1998	Agwanpur	31 k 15 m	78,97,812/-	19,89,999.87
P-16	23.6.1998	Ferozepur	8 k 13 m	17,95,000/-	16,60,115.60
P-17	7.4.2006	Agwanpur	39 k 9 m	1,87,38,750/-	38,00,000.00
P-20	25.5.2004	Ferozepur	4 k	14,10,000/-	28,20,000.00

9. The other sale-deeds produced by the landowners were registered much after the issuance of notification under Section 4 of the Act, hence, were not relevant. In my opinion, sale-deed, Ex.P-17, which was registered two months earlier the acquisition in question can be considered as relevant and then a reasonable cut can be applied. The genuineness of this sale-deed is also not in dispute. The sale consideration paid in the aforesaid sale-deed was @ ₹ 38,00,000/- per acre. For the purpose of assessment of compensation, the cut of 40% thereupon would be reasonable. After application thereof, the value of the acquired land in the area would come to ₹ 22,80,000/- per acre. The amount of compensation otherwise also is reasonable considering the compensation awarded by the learned court below for the land acquired vide same notification for the purpose of

development as Sector-12, Palwal, which was upheld by this Court today vide separate judgment in RFA No. 1255 of 2014 *Mukesh Kumar vs State of Haryana and others.*

10. As far as the deduction of ₹ 2,00,000/- per acre made by the learned court below after arriving at calculation of ₹ 19,00,000/- per acre after application of 1/3rd cut on average sale consideration shown in the sale-deeds produced on record on account of annuity granted to the landowners in terms of policy framed by the State is concerned, the same is totally illegal.

11. Once the compensation is assessed on the basis of sale-deeds produced on record by the landowners, there was no question of any deduction on account of benefits granted under certain rehabilitation policy issued by the State which was notified by the Government of Haryana on 7.12.2007 with the title, 'Policy for Rehabilitation and Resettlement of Land Owners – Land Acquisition Oustees'. It clearly provided that the value of annuity to the landowners shall be over and above the usual amount of compensation. The object of the policy is to discourage the landowners from objecting to acquisition of land and further take care of the landowners for long term as they loose their source of livelihood. These are beneficial in nature. Hence, no amount on that account could be deducted from the amount of compensation assessed in terms of the principles laid down therefor. Hence, this Court does not approve the action of the learned Reference court for deduction of amount on account of benefits granted under the Policy for Rehabilitation and Resettlement of Land Owners.

12. For the reasons mentioned above, the appeals are allowed. The landowners are awarded compensation @ ₹ 22,80,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

10.12.2015 (Rajesh Bindal)
vs Judge

(Refer to Reporter)