

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

RFA No. 6270 of 2014 (O&M)

LAC No. 122 of 2011

Date of decision : 29.9.2015

Bijender and others

... Appellants

vs

State of Haryana and another

... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Jagjeet Beniwal, Advocate for
Mr. Ramender Chauhan, Advocate, for the landowners.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

1. This order shall dispose of appeals bearing RFA Nos. 6270 to 6272 and 8506 of **2014** as common questions of law and facts are involved therein.
2. The landowners are in appeal before this court seeking enhancement of compensation for the acquired land.
3. Briefly, the facts of the case are that the State of Haryana vide notification dated 28.2.2007 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land measuring 3.38 acres situated within the revenue estate of Village Kharak Kalan, Hadbast No. 131, Tehsil and District Bhiwani, for construction of Kharak Drain. Notification under Section 6 of the Act was issued on 14.5.2007. The Land Acquisition Collector (for short, 'the Collector') vide award no. 4-B dated 25.4.2008 assessed the market value of the acquired land @ ₹ 8,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below upheld the award of the Collector and dismissed the reference petitions filed by the landowners. Aggrieved against the award of learned Court below, the landowners are in appeal before this Court.

4. Learned counsel for the landowners submitted that the court below has not awarded just and fair compensation for the acquired land while considering the location of the land. It had residential as well as commercial potentially. The value of the land in the area was not less than ₹ 25,00,000/- per acre. It was further submitted that the State Government had issued policies dated 28.4.2005, and 6.4.2007 fixing minimum rates for acquisition of the land in the State. He prayed that as the award in the present case was announced on 25.4.2008, a reasonable increase can be granted on the value of the land as provided in the policy circulated on 6.4.2007 keeping in view the difference between the enforcement of policy and announcement of award by the Collector. The prayer is for determination of value keeping in view the policies, location and potentiality of the land acquired.

5. 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. It was further submitted that there was no irrigation facilities in the area. There is no sale-deed produced on record before acquisition by the landowners of the concerned area to show that the value of the land as assessed by the Collector was on lower 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 6.4.2007. The submission is that sufficient amount of compensation has been awarded by the Collector, which does not call for any enhancement.

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

7. 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."

8. 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 25.4.2008 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
5	Remaining Parts of the State	Rs. 8.00 Lakh	Rs. 12.00 Lakh

9. 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 25.4.2008 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.

10. 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 25.4.2008, 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. about 13 months. If the aforesaid amount is added, the compensation comes to ₹ 9,16,844/-, which is rounded off to ₹ 9,17,000/- per acre.

11. For the reasons mentioned above, the appeals are allowed. The landowners are awarded compensation @ ₹ 9,17,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

29.9.2015
vs

(Rajesh Bindal)
Judge