

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

RFA No. 7307 of 2014 (O&M)

LAC no. 1022 of 2011

Date of decision : 28.9.2015

Maresh and another

... Appellants

VS

State of Haryana and others

... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

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

Rajesh Bindal, J.

This order shall dispose of appeals bearing RFA Nos. 7307 and 7308 of 2014, as common questions of law and facts are involved therein.

In the present appeals, the landowners are seeking enhancement of compensation for the acquired land.

Briefly, the facts are that vide notification dated 22.2.2007, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire land situated within the revenue estate of village Bhambhewa, Tehsil Beri, District Jhajjar, for construction of Bhambhewa Minor from RD 4500 to 5750 tail off taking at RD 9000 Right Dulhera minor. Notification under Section 6 of the Act was issued on 11.4.2007. The Land Acquisition Collector (for short, 'the Collector') vide award dated 3.8.2007 assessed the market value of the acquired land @ ₹ 16,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below determined the market value of the acquired land @ ₹ 16,42,090/- per acre. This award has been impugned in the present appeals by the landowners.

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. The submission was for

determination of value keeping in view the location and the evidence led by the landowners on record.

Heard learned counsel for the appellant and perused the relevant referred record.

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 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 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 3.8.2007 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:-

<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

<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>
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. Award in the present case was announced by the Collector on 3.8.2007 which is 4 months and 11 days from the effective date of the policy.

No other evidence has been led by the landowners to show the value of the land in the area.

Considering the time gap between the cut of 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 @ ₹ 16,42,090/- per acre. No case for further enhancement is made out.

Accordingly, the appeals are dismissed.

28.9.2015
vs.

(Rajesh Bindal)
Judge