

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

RFA No. 9390 of 2014 (O&M)
LAC No.106 of 1.3.2005
Date of decision :14.12.2015

Puran

... Appellant

vs

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Munish Kumar Garg, Advocate,
Mr. S.N. Pillania, Advocate,
Mr. Sachin Kadyan, Advocate and
Mr. Amit Kumar Jain, Advocate, for the landowners.

Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of a bunch of appeals bearing RFA Nos. 9390 to 9392, 9541, 9542, 9669, 9811, 9812, 9857 to 9864, 10323, 10329, 10441, 10615 of 2014, 315, 890 and 2136 of 2015, as common questions of law and facts are involved therein.

The landowners are in appeals seeking enhancement of compensation for the acquired land.

Briefly, the facts of the case are that vide notification dated 25.6.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire 20.27 acres of land, situated in village Amerheri and 9.26 acres in village Jind for construction of Water Works at Jind. The same was followed by notification dated 26.6.2002, issued under Section 6 of the Act. The Land Acquisition

Collector (for short, 'the Collector'), vide award No.5 dated 22.1.2004 determined the market value of the acquired land @ ₹ 3,00,000/- per acre pertaining to land of village Amerheri and vide award No.4 dated 22.1.2004 @ ₹ 3,75,000/- per acre pertaining to the land of village Jind. Dissatisfied with the awards of the Collector, the landowners filed objections, which were referred to the learned court. The learned reference court determined the market value of the acquired land @ ₹ 6,93,000/- per acre pertaining to the land of village Jind. It is this award which is impugned by the land owners before this court.

Learned counsel for the landowners submitted that the reference court has failed to appreciate the evidence produced on record by the landowners for the purpose of assessment of compensation. In terms of the sale deeds produced on record, the value of the acquired land was not less than ₹ 30,00,000/- per acre. It was located close to the abadi area abutting Som Nath Mandir Road. The abadi of the city was expanding on this side. Close to the acquisition in question, vide notification dated 9.9.2002, the land was acquired for development as Sectors 6 to 9 at Jind. The distance of the aforesaid land from the acquisition in question is merely 3-4 acres. For the aforesaid acquisition, this Court had assessed compensation @ ₹ 350/- per square yard for the land abutting Jind-Safidon road and ₹ 250/- per square yard for the land beyond the depth of 2 acres from the road vide judgment dated 30.10.2015 in RFA No.9821 of 2014—Baru and others v. State of Haryana. Learned counsel for the landowners further submitted that considering the potentiality of the land and its location, the landowners in the present case also deserve to be granted same amount of compensation.

On the other hand, learned counsel for the State submitted that just and fair compensation has been assessed by the learned court below. The Collector had already assessed fair value of the acquired land. The sale deeds produced by the landowners were referred to even in the cases pertaining to the land acquired for development as Sectors 6 to 9 at Jind. Some of the sale deeds produced by the landowners were registered after the issuance of notification under Section 4 of the Act, hence, not relevant.

These were small-small plots located in the old city in the commercial area. Those were not considered to be relevant by this Court even in cases pertaining to Sectors 6 to 9 at Jind. The acquired land in the present case is located far off from the land acquired for Sectors 6 to 9 at Jind. The location thereof cannot be compared with the acquired land in the present case for the reason that just opposite Jind-Safidon road, the land was acquired for development as Sectors 10 and 11 long back and the area had already been developed.

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

The acquired land in the present case is located out side the old city abutting canal/distributory. It was acquired on 25.6.2002 for the purpose of construction of water works. Not doubt, the landowners have produced various sale deeds on record, however, I do not find any of them to be relevant for the purpose of assessment of fair value of the acquired land. Most of them were referred to by the landowners, even in the cases pertaining to assessment of compensation for the acquired land for development as Sectors 6 to 9 at Jind, where notification under Section 4 of the Act was issued on 9.9.2002. The acquired land in the case in hand is located away from the city beyond the outer boundary of the land acquired vide notification dated 9.9.2002.

It is a matter of common knowledge and one of the settled principle for valuation of acquired land is that the value of the land decreases, if it is located away from the city. Same is the position here. As this Court had assessed compensation for the acquired land vide notification dated 9.9.2002 @ ₹ 250/- per square yard for the land beyond the depth of 2 acres from the road and the land in question is even far away from the outer boundary, in my opinion, while applying thumb rule considering its location and that the acquisition was about three months earlier, in my opinion, the landowners in the present case can be granted compensation by applying a cut of 20% on ₹ 250/- per square yard. The amount will come out to ₹ 200/- per square yard. The landowners in the present appeals are held entitled to compensation for the acquired land @ ₹ 200/- per square yard. The landowners shall also be entitled to the statutory benefits available under the

Act.

Accordingly, the impugned award of the learned court below is modified to the extent mentioned above.

The appeals stand disposed of.

14.12.2015

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(Rajesh Bindal)
Judge