

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

**RFA No.813 of 2001 and other connected matters
Date of decision: 25.02.2016**

State of Haryana

... Appellant

Vs.

Bimla Devi and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Vibha Tewari, AAG, Haryana.

**Mr. Tara Chand Dhanwal, Advocate
for the appellant(s) (in RFA No.2762 of 2001).**

**Mr. Adarsh Jain, Advocate and
Ms. Kamaldeep Kaur, Advocate
for the appellant(s) (in RFA Nos.3403 of 2003)**

None for the appellant(s) (in RFA Nos.2771 of 2001, 1022, 1552 of 2004)

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J.

This bunch of 25 appeals, out of which 20 appeals bearing Regular First Appeal Nos.813, 3701 of 2001, 3125 to 3141 & 3385 of 2006, filed by the State of Haryana and remaining 05 appeals bearing Regular First Appeal Nos.2762, 2771 of 2001, 3403 of 2003, 1022 & 1552 of 2004, filed by the land owners, is being decided vide this common order, as all these appeals arise out

of the same acquisition and raise identical questions of law and facts. However, with the consent of learned counsel for the parties and for the facility of reference, facts are being culled out from RFA Nos.813 of 2001 (State of Haryana Vs. Bimla Devi and another).

Brief facts of the case are that land measuring 4.91 acres out of the revenue estate of village Baroli, Tehsil Ballabgarh, District Faridabad was sought to be acquired by the State of Haryana, at public expenses for public purpose namely; for development and utilization of the acquired land as green belt area under Haryana Urban Development Authority Act, 1977 (for short 'HUDA Act, 1977'). Accordingly, notification dated 22.02.1993 was issued under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short), which was followed by notification dated 21.02.1994 issued under Section 6 of the Act. Land Acquisition Collector, vide his award No.21 dated 20.02.1996 assessed the market value of the acquired land at the uniform rate of Rs.2,00,000/- per acre. Dissatisfied, the land owners filed their objections under Section 18 of the Act and as a consequence thereof, land references were forwarded to the learned reference Court, which came to be decided by the learned reference Court vide different but identical impugned awards, including the award dated 17.08.2000 passed in Bimla Devi's case.

Learned counsel for the parties are ad idem that this was the basic award, which was followed in all other cases. Learned reference Court granted Rs.400/- per square yard to the land owners for their acquired land. Both the parties felt aggrieved against the abovesaid impugned award passed by the learned reference Court. State of Haryana has filed as many as 20 appeals, whereas 05 appeals have been filed by the land owners. State of Haryana is

seeking reduction in the amount of compensation granted to the land owners, whereas the land owners are seeking enhancement thereof. That is how, all these 25 appeals are being decided together.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the cases in hand, appeals filed by the State of Haryana have been found bereft of any merit and the same are liable to be dismissed. However, the appeals filed by the land owners deserve to be partly allowed, suitably enhancing the amount of compensation for their acquired land, for the following more than one reasons.

During the course of hearing, learned counsel for the State referred to the order dated 07.02.2014 passed by this Court in **RFA No.3671 of 1998 (Asjit Singh Chawla and another Vs. State of Haryana and another)**, whereby the land owners of immediate preceding acquisition dated 07.12.1992 were granted the compensation at the rate of Rs.486/- per square yard. Learned counsel for the appellants-land owners also fairly state that the appeals filed by the land owners would also be squarely covered by the order dated 07.02.2014 passed by this Court in **Asjit Singh Chawla's** case (supra).

In fact, after giving thoughtful consideration, this Court has found learned counsel for both the parties to be well-justified, while placing reliance on the abovesaid order dated 07.02.2014 passed by this Court in **Asjit Singh Chawla's** case (supra). It is so said because in **Asjit Singh Chawla's** case (supra), the land of nearby village was acquired for its use as residential, commercial and for roads in Sector-31, Faridabad, vide notification dated

07.12.1992 under Section 4 of the Act, whereas in the instant case notification under Section 4 of the Act came to be issued on 22.02.1993, acquiring the land for its development and utilization as green belt area under HUDA Act, 1977, thus, the purpose of acquisition was almost the same. Although there was a time gap of about two and half months between these two acquisitions, yet the same has not been found to be a substantial one. Having said that, this Court feels no hesitation to conclude that it would be just and expedient, to assess the market value of the acquired land in the instant acquisition, at the same rate of Rs.486/- per square yard, which was granted to the land owners of immediate preceding acquisition in **Asjit Singh Chawla's** case (supra).

Ordered accordingly.

In view of the abovesaid undisputed fact situation, the land owners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.486/- per square yard, from the date of notification under Section 4 of the Act and the impugned awards passed by the learned reference Court would stand modified accordingly.

No better evidence or judicial precedents were pressed into service nor any other argument was raised on behalf of either of the parties.

Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that the appeals filed by the State of Haryana are wholly misconceived, bereft of merit and without any substance, thus, these must fail and the same are hereby dismissed. The appeals filed by the land owners deserve to be partly accepted and the same are allowed to the extent indicated above. The land owners are held entitled to receive the compensation for their acquired land at

the rate of Rs.486/- per square yard, from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled to all the statutory benefits available to them, under the relevant provisions of the Act.

Resultantly, with the observations made above, all these 25 appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.

25.02.2016
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[RAMESHWAR SINGH MALIK]
JUDGE