

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

RFA No.3906 of 2006 (O&M) and other connected matters

Date of decision:1.6.2016

Som Nath and others

...Appellant(s)

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Rajinder Goyal, Advocate for the appellant(s).
Mr.Rajesh K. Sheoran, Addl.A.G., Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

These four Regular First Appeals bearing RFA Nos.3906 to 3909 of 2006, all filed by the land owners, are 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 No.3906 of 2006 (**Som Nath and others v. State of Haryana and others**).

Facts are hardly in dispute. State of Haryana sought to acquire the land measuring 95 Kanals and 12 Marlas, out of the revenue estate of village Patti Gaddar, Kaithal, at public expenses for public purpose namely; for construction of Bus Stand at Kaithal. Accordingly, notification dated 1.2.2002 came to be issued under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short), which was followed by notification dated 5.2.2002 under Section 6 of the Act.

Land Acquisition Collector ('LAC' for short), vide his Award

No.1 dated 26.7.2002, assessed the market value of the acquired land at the rate of Rs.3,00,000/- per acre, without resorting to belting system.

Dissatisfied with the market value assessed by the LAC, 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 for its decision. Both the parties led their respective evidence. Learned reference court, vide its impugned award dated 31.3.2006, decided five land references together, assessing the market value of the acquired land at the rate of Rs.3,30,000/- per acre.

Only the land owners felt aggrieved against the impugned award passed by the learned reference court. They have approached this Court by way of present set of appeals, seeking further enhancement in the amount of compensation for their acquired land. That is how, all these 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 rival contentions raised, this Court is of the considered opinion that the appeals filed by the land owners deserve to be partly allowed, suitably enhancing the amount of compensation for their acquired land. To say so, reasons are more than one, which are being recorded hereinafter.

Learned counsel for the appellants-land owners has placed reliance on an order dated 23.1.2012 passed by this Court in **RFA No.2218 of 2007 (Smt.Maya and others Vs. State of Haryana and others)**, to contend that all the four present appeals are squarely covered by this order, except the time gap of six months, present being an earlier acquisition.

Although, learned counsel for the State has tried to distinguish the instant set of cases from **Smt.Maya's** case (supra), yet he could not substantiate his arguments in this regard and rightly so, the present cases being covered by the order passed by this Court in **Smt.Maya's** case (supra).

It is pertinent to note here that in **Smt.Maya's** case (supra), land was acquired vide notification dated 19.7.2002 under Section 4 of the Act for residential and commercial Sector-18, Kaithal. In the present set of appeals, land was acquired for construction of Bus Stand at Kaithal. Revenue estate in both these acquisitions was the same, i.e. Patti Gaddar. Had there been any substantial time gap between these two acquisitions, instant set of appeals might not have been held to be covered by **Smt.Maya's** case (supra) or a reverse cut would have been applied on the market value assessed in **Smt.Maya's** case (supra). However, since the time gap was only about 6 months, this Court is of the considered view that appellants-land owners in the present set of appeals are also entitled to get their land assessed at the same rate of Rs.280/- per square yard, at which this Court assessed the market value of the land in **Smt.Maya's** case (supra). Ordered accordingly.

Hon'ble the Supreme Court in **Mehrawal Khewaji Trust (Registered), Faridkot and others v. State of Punjab and others, (2012) 5 SCC 43** and in its recent judgment dated 18.2.2016 rendered in Civil Appeal No.2714-2721 of 2012 (**Ashok Kumar and another etc. v. State of Haryana**) has held that the land owners are entitled to receive the best price for their acquired land. Learned counsel for the appellants has also fairly stated before this Court that some land owners approached the Hon'ble Supreme Court, against the above-said order dated 23.1.2012 passed by this

Court in **Smt.Maya's** case (supra), but the order passed by this Court was upheld by the Hon'ble Supreme Court, thus, it had attained finality between the parties. Said being the undisputed fact situation obtaining in the present cases, this Court feels no hesitation to conclude that the land owners-appellants also deserve to be treated at par with the land owners whose appeals were decided by this Court in **Smt.Maya's** case (supra). Accordingly, the land owners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.280/- per square yard, from the date of notification under Section 4 of the Act.

Let it be specifically recorded here that no other 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 case noted hereinabove, coupled with the reasons aforementioned, this Court is of the considered opinion that 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 uniform rate of Rs.280/- per square yard. 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 the appeals stand disposed of, in the afore-said terms, however, with no order as to costs.

1.6.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE