

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

**RFA-5282-2010 & connected matters**

**Date of decision:15.2.2016**

Om Parkash and others

...Appellants

**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.Shailendra Jain, Sr. Advocate with  
Mr.Bhagender, Advocate for the appellant in  
RFA No.1494 of 2015.  
Mr.B.S.Rana, Sr. Advocate with  
Mr.Amit Jain, Advocate for the appellants in  
RFA No.5282 of 2010.  
Mr.J.P.Ahhawat, Advocate for  
Mr.N.D.Achint, Advocate for the appellants in  
RFA No.6672 of 2012.  
Mr.Rakesh Dhiman, Advocate for the appellants in  
RFA No.540 of 2015.  
Mr.Adarsh Jain, Advocate for the appellants in  
RFA No.7235 of 2012.  
Ms.Divya Khanna, Advocate for  
Mr.Aashish Chopra, Advocate for the appellant in  
RFA No.9804 of 2014.  
Mr.Soni Giri, Advocate for  
Mr.Sandeep Sharma, Advocate for the appellants in  
RFA Nos.5802 of 2012, 5377 of 2013, 5664 of 2013,  
4978, 4979, 4980 of 2013, 7222, 5243, 5071 of 2013,  
2541 of 2014.  
Mr.Aditya Jain, Advocate for the appellants in  
RFA No.8174 of 2014.  
Mr.D.D.Gupta, Advocate for appellants in RFA No.1195 of 2012  
Mr.Abhinash Jain, AAG, Haryana for the appellants in  
State appeals.

Mr.Arun Walia, Sr. Advocate with  
Mr.Ajay Nara, Advocate and  
Mr.Kamal Kumar Yogi, Advocate for HUDA.

**RAMESHWAR SINGH MALIK, J. (Oral)**

This batch of 33 appeals, out of which 15 appeals bearing RFA Nos. 4487, 4488, 4489, 5165 of 2011, 221 to 228 of 2014, 2027, 2028 and 2233 of 2015 have been filed by the State of Haryana and 18 appeals bearing RFA Nos. 5282 of 2010, 1195, 5802, 6672 and 7235 of 2012, 4978 to 4980, 5071, 5243, 5377, 5664 and 7222 of 2013, 2541, 8174 and 9804 of 2014, 540 and 1494 of 2015 have been filed by the land owners, is being decided vide this common order, as the same arise out of same acquisition and raise identical questions of law and facts.

Learned counsel for the parties are ad idem that instant bunch of appeals is squarely covered by the order dated 10.12.2015 passed by this Court in **RFA No. 3619 of 2009 (Municipal Corporation v. State of Haryana and others)**, but there is a time gap between these two acquisitions. They further jointly pray for disposing of these appeals, in terms of the order dated 10.12.2015 passed by this Court in the case of **Municipal Corporation (supra)**.

In view of the above, detailed facts of the case need not to be noticed. In the case of **Municipal Corporation (supra)**, date of notification under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short) was 15.4.2002, whereas in the instant bunch of cases notification under Section 4 of the Act was issued on 12.8.2003, thus, there was a gap of 1 year and 4 months between these two acquisitions. It goes without saying that the land owners would be entitled for 12% annual increase for this time gap of 16 months, which would come to 16%.

This Court vide order dated 10.12.2015 passed in the case of **Municipal Corporation (supra)** assessed the market value of the acquired

land @Rs.1020/- per square yard. Granting the benefit of 16% to the land owners in these appeals, the amount would come to Rs.1183/- per square yard. Accordingly, the land owners in the present set of cases are held entitled to receive the compensation for their acquired land @Rs.1183/- per square yard from the date of notification under Section 4 of the Act.

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 State of Haryana have been found wholly misconceived, bereft of merit and without any substance, thus, these must fail. Accordingly, the same are hereby dismissed.

So far as the appeals filed by the land owners are concerned, the same deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The land owners are held entitled to receive the compensation for their acquired land @ Rs.1183/- per square yard from the date of notification under Section 4 of the Act. Other benefits granted to the land owners by the learned reference court vide its impugned award, shall remain intact and they would be entitled for the said benefits even on the enhanced amount of compensation. 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 afore-said appeals stand disposed of, in the afore-said terms, however, with no order as to costs.

**15.2.2016**  
**mks**

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**