IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.2963 of 2015 and other connected matters
Date of decision: 03.03.2016

Haryana State Industrial and Infrastructure Development Corporation Ltd. through its Managing Director and another

... Appellants

Vs.

Mangal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vishal Garg, Advocate
for HSIIDC.

Mr. Suneet Singh Deol, Advocate for
Mr. Vikram Singh, Advocate
for the appellant(s) (in RFA Nos.652 to 654 of 2015)

Mr. Ashwani Talwar, Advocate and
Mr. A.K. Wadhawan, Advocate
for the appellant(s) (in RFA Nos.966 to 981 of 2015) and
for appellant No.2 (in RFA No.1351 of 2015)

Mr. Sukhdeep Parmar, Advocate
for the appellant(s) (in RFA Nos.1339, 1340 of 2015)

Mr. Akshay Jindal, Advocate
for the appellant(s) (in RFA Nos.1344 to 1366, 2152, 2335, 2512 to 2530, 6403, 6426 of 2015).

None for the appellant(s) (in RFA No.2143 of 2015)

Mr. Arun Beniwal, DAG, Haryana.

Mr. B.S. Giri, Advocate for
Mr. P.K. Mutneja, Advocate for Indian Oil Corporation.

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

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RAMESHWAR SINGH MALIK, J.

Instant batch of 134 appeals, out of which 66 appeals bearing Regular First Appeal Nos.2963 to 2981, 3002 to 3031, 7134 to 7146, 7148 to 7151 of 2015 filed by Haryana State Industrial and Infrastructure Development Corporation ('HSIIDC' for short) and remaining 68 appeals bearing Regular First Appeal Nos.652 to 654, 966 to 981, 1339, 1340, 1344 to 1366, 2143, 2152, 2335, 2512 to 2530, 6403, 6426 of 2015 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 No.2963 of 2015 (Haryana State Industrial & Infrastructure Development Corporation Ltd. through its Managing Director and another Vs. Mangal Singh and others).

Brief facts of the case are that the State of Haryana sought to acquire land measuring 297 acres, 01 kanal and 18 marla, out of the revenue estate of village Rajapur, Tehsil and District Panipat, at public expenses for public purpose namely; for development of an industrial estate by HSIIDC. Accordingly, notification dated 16.06.2006 came to be issued under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short), which was followed by notification dated 15.06.2007 under Section 6 of the Act. Land Acquisition Collector ('LAC' for short), vide his award No.2 dated 20.02.2008 assessed the market value of the acquired land at the uniform rate of Rs.16,00,000/- per acre. The land owners were not satisfied with the award passed by LAC and they have filed their objections under Section 18 of the Act. Consequently, as many as 83 land references were forwarded, which came to be decided by the learned reference Court, vide common impugned award dated 09.10.2014 assessing the market value of the acquired land at the uniform rate of Rs.28,65,500/- per acre (Rs.592.045 per square yard).

Both the parties felt aggrieved against the abovesaid impugned award passed by the learned reference Court. 66 appeals have been filed by the beneficiary department i.e. HSIIDC seeking reduction in the amount of compensation awarded by the learned reference Court, whereas the land owners, through their 68 appeals, are seeking further enhancement in the amount of compensation for their acquired land. That is how, all these appeals are being decided together.

Learned counsel for the parties are ad idem that the instant set of appeals is squarely covered by the order passed today by this Court in **RFA No.4694 of 2014 (Tara Chand and others Vs. State of Haryana and others)**. However, learned counsel for the land owners submit that since there is a time gap between two acquisitions, the land owners would be entitled for the benefit of annual increase. This contention raised by learned counsel for the land owners could not be refuted by learned counsel for the beneficiary department i.e. HSIIDC and rightly so, it being a matter of record.

In view of what has been discussed hereinabove, it can be safely concluded that the land owners in the present set of appeals would be entitled for 12% annual increase on the market value assessed by this Court in **Tara Chand**'s case (supra), for the time gap between these two acquisitions. It is a matter of record that date of notification under Section 4 of the Act in **Tara Chand**'s case (supra) was 30.06.2005, whereas in the present case, notification under Section 4 of the Act came to be issued on 16.06.2006, thus, there is a time gap of one year.

The market value assessed in **Tara Chand**'s case (supra) was

Rs.904/- per square yard. Granting the benefit of 12% annual increase on the abovesaid market value of Rs.904/- per square yard, to the land owners of instant set of appeals, for this time gap of one year, the market value comes to Rs.1012.50, which is rounded off to Rs.1013/- per square yard. Accordingly, the land owners are held entitled to receive the amount of compensation at the uniform rate of Rs.1013/- per square yard for their acquired land, from the date of notification under Section 4 of the Act.

Let it be specifically recorded here that no better evidence or any judicial precedent was 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 so far as the appeals filed by the beneficiary department i.e. HSIIDC are concerned, the same have been found wholly misconceived, bereft of merit and without any substance, thus, these must fail and 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.1013/- 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 134 appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
03.03.2016 **JUDGE**
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