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

**RFA No. 2730 of 2016 (O&M)
Date of Decision: 29.08.2023**

Kiran Dhawan

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Gupta, Advocate
for the appellant.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), to modify the award dated 01.12.2015 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] In pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 14.08.2008, followed by Notification dated 30.08.2008 under Section 6 thereof, the land measuring 44.09 acres, including the land of appellant, situated in the revenue estate of Village **Wazirpur**, Tehsil & District Faridabad, was acquired. The public purpose for acquisition of the land was stated to be Development & Utilization of Master Plan Roads of Sectors 75 to 89, Faridabad. The Land

Acquisition Collector, Urban Estate, Haryana, Faridabad (for short "LAC"), vide Award No. 4, dated 27.08.2010, assessed the market value of acquired land @ Rs. 42,00,000/- per acre alongwith other statutory benefits.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed references under Section 18 of the Act, which was decided vide award dated 01.12.2015 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 2000/- per square yard, besides granting statutory benefits.

[4] It is pertinent to mention here that the matters pertaining to the enhancement were remand by the Apex Court in **Civil Appeal No(s) 21014-21016 of 2017**, titled "**Premwati & Ors. Versus State of Haryana & Anr.**", decided on 06.12.2017, after those were decided in the first round by a Coordinate Bench of this Court on 16.09.2015 in '**Rampal and others Vs. Land Acquisition Collector and another**', 2016 (1) RCR (Civil) 494. Thereafter, the matter was again decided by learned Single Bench of this Court vide judgment dated 31.05.2019 in **Ram Pal's case (supra)**, whereby the market value for the acquired land with regard to the notification dated 14.08.2008 pertaining to Villages Badoli/Baroli, Pehladpur and **Wazirpur**, was fixed @ Rs. 2129/- per square yard (Rs. 1,03,04,360/- per acre).

[5] Against the judgment dated 31.05.2019 (supra), parties approached Hon'ble Supreme Court in a batch of appeals, lead case of which was **Civil Appeal No. 2903 of 2021**, titled "**Banwari Lal & Anr. Versus State of Haryana & Ors.**", which have been decided on three different dates, i.e. 08.07.2021, 13.07.2021 & 14.07.2021.

[6] It is contended by learned counsel for the appellant that present appeal is squarely covered with the judgment of **Banwari Lal's case (supra)**, arising out of the same notification vide which the land of appellant was acquired.

[7] Learned State Counsel is not in a position to controvert the said factual aspect that the main appeal is covered in terms of judgment of **Banwari Lal's case (supra)**.

[8] I have heard learned counsel for the parties and gone through the paper-book.

[9] From the records, it is apparent that the present appeal is squarely covered with the judgment of **Banwari Lal's case (supra)**, which is arising out of the same acquisition / Notification dated 14.08.2008 covering the same revenue estate i.e. **Village Wazirpur, Tehsil & District Faridabad**, whereby the landowners have been held entitled for the amount of compensation @ Rs. 2000/- per square yard. For reference, the relevant paras of judgment dated 13/14.07.2021 passed in case of **Banwari Lal's (supra)** (at page Nos. 45 to 47) read as under:-

“ Village : Wazirpur

Heard Dr. Monika Gusain, learned counsel for the State of Haryana and Mr. Sanchar Anand and Mr. Kulbhushan Sharma, learned counsel appearing for the claimants-landowners.

As regards lands situated at village Wazirpur, covered under the third notification, the High Court fixed the market price at Rs.2129/- per sq.yd.

The claimants had relied on seven sale instances. Those sale instances pertain to the same period around which the third notification was issued, mentioning the market price in the range of Rs.2500/- per sq.yd.

Even if we were to accept these sale instances, the claimants will not be entitled for more than Rs.2000/- per sq.yd. after providing for 20% deduction as in the case of claimants of land situated in village Mawai.

In respect of lands at village Wazirpur, since the sale instances are of the same period when the notification came to be issued, no additional rise is applicable.

Accordingly, the fair market price is determined at Rs.2000/- (Rupees two thousand only) per sq.yd. (i.e., Rs.2500/- minus Rs.500/-), payable to the claimants, in addition to the other benefits including the statutory benefits awarded by the High Court. The award shall stand modified to that extent for the Village Wazirpur.

Hence, the appeals filed by the State as well as by the claimants are disposed of in the above terms. ”

[9.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowner / appellant being similarly situated is held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 13/14.07.2021 in case of **Banwari Lal (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act.

[10] **Disposed off** in the above terms.

Pending application(s), if any, shall stand(s) disposed off.

August 29, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No