IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.3397 of 2014 and other connected matters
Date of decision: 16.02.2016

Katar Singh and others

... Appellants

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Navneet Singh, Advocate
for the appellant(s) (in RFA Nos.3396, 3745, 3746, 4638, 4988, 6878, 6879, 7204, 7208, 8182, 9113, 9761, 3397, 3974 to 3976, 4256, 5233, 5280 of 2014, 326, 961 & 3218 of 2015)

Mr. N.C. Kinra, Advocate
for the appellant(s) (in RFA Nos.4346 to 4359, 6956 to 6958, 4662, 4663, 6139, 7698, 8899, 8900, 9647 of 2014)

Mr. Surender Saini, Advocate
for the appellant(s) (in RFA Nos.4883 to 4893, 6311, 8393 to 8397, 9795 of 2014)

Mr. Chander Pal Tiwana, Advocate
for the appellant(s) (in RFA No.6695 of 2014)

Mr. Ashok Tyagi, Advocate and
Mr. Satya Pal Tyagi, Advocate
for the appellant(s) (in RFA No.5255, 5259 of 2014, 2548, 2549 of 2015)

Mr. Ashwani Kumar Bura, Advocate
for the appellant(s) (in RFA Nos.9700 of 2014, 869, 870 of 2015)

Mr. Ram Pal Verma, Advocate
for the appellant(s) (in RFA Nos.9511 to 9514 & 9676 of 2014)

Mr. Kamal More, Advocate
for the appellant(s) (in RFA No.2339 of 2015)

Mr. Silak Ram Hooda, Advocate
for the appellant(s) (in RFA No.6115 of 2014)

Mr. Vikas Lochab, Advocate
for the appellant(s) (in RFA Nos.655 to 657, 2226 of 2015)

Mr. Rupinder Thakur, Advocate for
Mr. Vikram Punia, Advocate
for the appellant(s) (in RFA Nos.8988, 9001 of 2014)

Mr. R.K. Girdhar, Advocate
for the appellant(s) (in RFA No.7704 of 2014)

None for the appellant(s) (in RFA Nos.659 to 661, 2319, 3214 of 2015)

Mr. Sandeep Vermani, Standing Counsel
for Railways.

Ms. Vibha Tewari, AAG, Haryana.

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.

These two bunches of 91 appeals, arising out of two consecutive acquisitions, are being decided vide this common order. 37 appeals bearing Regular First Appeal Nos.3397, 3974 to 3976, 4256, 4346 to 4359, 4662, 4663, 5233, 5255, 5280, 6139, 6695, 6956 to 6958, 7698, 8899, 8900, 9647 of 2014, 326, 2226, 2548 and 2549 of 2015, filed by the land owners, are arising out of acquisition vide notification dated 18.03.2009 under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short). Similarly, 54 appeals bearing Regular First Appeal Nos.3396, 3745, 3746, 4638, 4883 to 4893, 4988, 5259, 6115, 6311, 6878, 6879, 7204, 7208, 7704, 8182, 8393 to 8397, 8988, 9001, 9113, 9511 to 9514, 9676, 9700, 9761, 9795 of 2014, 655 to 657, 659 to 661, 869, 870, 961, 2319, 2339, 3214 and 3218 of 2015, filed by the land owners, are arising out of the acquisition vide notification dated 08.06.2009 under Section 4 of the Act. Both the abovesaid notifications under Section 4 of the

Act were issued by the State of Haryana for acquiring the land for one and the same purpose i.e. for laying down the railway line (Jind-Gohana-Sonepat).

Notification dated 18.03.2009 under Section 4 of the Act came to be followed by notification dated 29.05.2009 under Section 6 of the Act, whereby land from three villages was acquired and the particulars thereof are as under: -

Sr. No.	*Village*	*Area acquired*
1.	*Bhainswal Bawla*	*16 Acre, 1 Kanal, 12 M*
2.	*Tihar*	*19 Acre, 4 Kanal, 14 M*
3.	*Bidhal*	*1 Acre, 2 Kanal, 7 M*
	Total acquired land	*36 Acre, 8 K, 13 M*

Land Acquisition Collector announced different awards for all the abovesaid three villages. Vide his award No.1 dated 18.10.2010, award No.2 daed 18.10.2010 and award No.5 dated 10.11.2010 for villages Bhainswal Bawla, Tihsar and Bidhal respectively, Collector awarded the amount of compensation at the uniform rate of Rs.16,00,000/- per acre for every kind of land. Dissatisfied, the land owners filed their objections under Section 18 of the Act and as a consequence thereof, learned reference Court vide its impugned award dated 01.02.2014 decided as many as 42 land references enhancing the compensation for the acquired land to Rs.20,00,000/- per acre plus 30% of this market value on account of severance charges.

Similarly, notification dated 08.06.2009 under Section 4 of the Act in the later acquisition came to be followed by notification dated 30.10.2009 under Section 6 of the Act. Land was acquired from the revenue estates of as many as seven villages and particulars whereof are as under: -

Sr. No.	*Village*	*Area acquired*
1.	*Juan*	*14 Acre, 2 Kanal, 11 Marla*
2.	*Mohana*	*61 Acre, 0 Kanal, 19 Marla*
3.	*Pinana*	*14 Acre, 2 Kanal, 13 Marla*
4.	*Naina Tatarpur*	*7 Acre, 4 Kanal, 1 Marla*
5.	*Hullaheri*	*22 Acre, 0 Kanal, 8 Marla*
6.	*Khizarpur Jat Majra*	*9 Acre, 3 Kanal, 2 Marla*
7.	*Karewadi*	*16 Acre, 7 Kanal, 16 Marla*
	Total acquired land	*143 Acre, 21 Kanal, 10 Marla*

Land Acquisition Collector announced villagewise seven awards. Vide his award No.25 dated 18.05.2010, award No.26 dated 13.07.2010 and awards No.27 to 31 of even date i.e. 18.08.2010 granted the market value to the land owners of all the abovesaid seven villages at the uniform rate of Rs.16,00,000/- per acre. Dissatisfied, the land owners filed their objections under Section 18 of the Act and as a consequence thereof, as many as 116 land references came to be decided by the learned reference Court vide its common award dated 31.01.2014. No enhancement in the compensation was ordered but only 30% of the market value, on account of severance charges, was granted to the land owners.

Feeling aggrieved against both the abovesaid impugned awards passed by the learned reference Court, land owners have approached this Court by way of abovesaid two sets of appeals, which are being decided together, as these appeals raise identical questions of law and facts and the land was also acquired for one and the same purpose. However, with the consent of learned counsel for the parties and for the facility of reference, facts are being culled out from RFA No.3397 of 2014 (Katar Singh and others Vs. State of Haryana and others) out of the appeals arising against the first acquisition, wherein notification under Section 4 of the Act was issued on 18.03.2009. Similarly, lead case in other set of appeals arising out of the acquisition dated 08.06.2009 would be RFA No.3396 of 2014 (Ranjeet and others Vs. State of Haryana and others).

Learned counsel for the parties are ad idem that since the land was acquired by the State of Haryana for Northern Railway, for one and the same purpose vide abovesaid two acquisitions, the market value assessed by this Court in the appeals arising out of first acquisition, wherein the notification under Section 4 of the Act was issued on 18.03.2009 may be followed, while deciding the appeals arising out of the later acquisition as well.

It is a matter of record that both the parties placed reliance on two sale instances each, which have been discussed by the learned reference Court in para 17 and 18 of the impugned award dated 01.02.2014. Learned counsel for the beneficiary department i.e. Railways Department submits that learned reference Court rightly ignored the sale instances relied upon by both the parties, because the sale instances were pertaining to small pieces of land. He further submits that the learned reference Court was fully justified in placing reliance on the policy framed by the State of Haryana for assessing the market value of the acquired land.

Per contra, learned counsel for the appellants-land owners would contend that once the sale instances, out of the same revenue estates whose land was acquired, were available on the record, the learned reference Court fell in serious error of law, while ignoring the sale instances. They would further submit that since the policy framed by the State of Haryana was not statutory in nature and was not disclosing the realistic market value of the acquired land, the land owners were not bound by the said policy, particularly when they had no role to play in framing the policy or fixing the market value. Learned counsel for the appellants-land owners concluded by submitting that the learned reference Court also failed to appreciate that the unacquired land owned by the land owners had been left hardly of any use and because of this reason, the land owners were entitled for much higher amount on account of severance charges.

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 both the abovesaid impugned awards passed by the learned reference Court cannot be sustained. The appeals filed by the land owners deserve to be partly allowed, suitably enhancing the compensation for the acquired land, for the following more than one reasons.

A bare reading of the impugned award dated 01.02.2014 passed by the learned reference Court would show that the learned reference Court thought it appropriate to rely upon the sale deeds produced by the land owners. In para 19 of the impugned award, the learned reference Court came to the conclusion that 50% deduction was required to be imposed on the market value disclosed in the sale deeds relied upon by the land owners. After imposing 50% cut, although reason for imposing 50% cut was totally baseless, the reference Court came to the conclusion that the amount would come to Rs.21,81,287/- per acre. However, without referring any further cogent reasons, the learned reference Court abundant that process midway and jumped to the policy Ex.P1 framed by the State of Haryana for assessing the market value of the acquired land. Having said that, this Court feels no hesitation to conclude that the approach adopted by the learned reference Court has been found to be wholly misconceived and the impugned award cannot be sustained, for this reason as well.

As referred in para 17 and 18 of the impugned award, both the parties have relied upon two sale deeds each in support of their respective stands taken before the learned reference Court. In the absence of any other better evidence available on record, all the four sale exemplars relied upon by both the parties deserve to be taken into consideration for assessing the market value of the acquired land. To be fair to all concerned and with a view to do complete and substantial justice between the parties, this Court is of the considered view that let average market value of all the abovesaid four sale deeds be taken so that nobody may have any grouse in this regard. Average of all the abovesaid four sale deeds i.e. Ex.PW12/B and Ex.PW12/C relied upon by the land owners and Ex.R1 as well as Ex.R2 relied upon by the State, would come to Rs.25,45,464.75, which is rounded off to Rs.25,45,465/- per acre.

It has been held by the Hon'ble Supreme Court in **Mehrawal Khewaji Trust (Regd.), Faridkot and others Vs. State of Punjab and others, 2012 (5) SCC 432** that the land owners are entitled to receive the best price for their acquired land. Further, for placing reliance on all the abovesaid four sale deeds, the view taken by this Court also finds support from judgment of the Hon'ble Supreme Court in **Udho Dass Vs. State of Haryana, 2010 (12) SCC 51.** Relevant observations made by the Hon'ble Supreme Court in para 17 & 18 of its judgment in **Udho Dass**'s case (supra), which can be gainfully followed in the present case, read as under: -

> *"Although, in the present matter, sale instances around or near abouts the date of Notification of the present acquisition are available yet these cannot justify or explain the potential of a particular piece of land on the date of acquisition as the potential*

can be recognized only some time in the future and it is open to a landowner claimant to contend that the potential can be examined first at the time of the Section 18 Reference, the first Appeal in the High Court or in the Supreme Court in appeal as well. We must also highlight that Collectors, as agents of the State Government, are extraordinarily chary in awarding compensation and the land owners have to fight for decades before they are able to get their due. We take the present case as an example. The land was notified for acquisition in May 1990. The collector rendered his award in May 1990 awarding a sum of Rs. 2,00,000/- per acre. The Reference Court by its award dated January 2001 increased the compensation to Rs. 125 per square yard for the land of the road behind the ECE factory and Rs. 150 per square yard for the land abutting the road which would come to Rs. 6,05,000/- and Rs. 7,26,000/- respectively for the two pieces of land. This itself is a huge increase vis-a-vis the Collector's award. The High Court in First Appeal by its judgment of 24th September 2007 enhanced the compensation for the two categories to Rs. 135 and 160 respectively making it Rs. 6,53,400/- and Rs. 7,74,400/-. In other words, this is the compensation which ought to have been awarded by the Collector at the time of his award on 12th May 1993. This has, however, come to the land owner for the first time as a result of the judgment of the High Court which is under challenge in this appeal; in other words, a full 17 years from the date of Notification under Section 4 and 14 years from the date of the award of the Collector on which date the possession of the land *must have been taken from the landowner. Concededly, the Act also provides for the payment of the solatium, interest and an additional amount but we are of the opinion, and it is common knowledge, that even these payments do not keep pace with the astronomical rise in prices in many parts of India, and most certainly in North India, in the land price and cannot fully compensate for the acquisition of the land and the payment of the compensation in driblets. The 12% per annum increase which Courts have often found to be adequate in compensation matters hardly does justice to those land owners whose land have been acquired as judicial notice can be taken of the fact that the increase is not 10 or 12 or 15% per year but is often upto 100% a year for land which has the potential of being urbanized and commercialized such as in the present case. Be that as it may, we must assume that the landowners were entitled to the compensation fixed by the High Court on the date of the award of the Collector and had this amount been made available to the landowners on that date, it would have been possible for them to rehabilitate their holdings in some other place. This exercise has been defeated for the simple reason that the payment of compensation has been spread over almost two decades. In this view of the matter, we are of the opinion that a landowner is entitled to say that if the compensation proceedings continued over a period of almost 20 years as in the present case, the potential of the land acquired from him must also be adjudged keeping in view the development in the area spread over the period of 20 years if* *the evidence so permits and cannot be limited to the near future alone. We, therefore, feel that in the circumstances, the appellants herein were fully entitled to say that the potential of the acquired land had not been fully recognized by the High Court or by the Reference Court. We must add a word of caution here and emphasize that this broad principle would be applicable where the possession of the land has been taken pursuant to proceedings under an acquiring Act and not to those cases where land is already in possession of the Government and is subsequently acquired.*

There is another unfortunate aspect which is for all to see and to which the Courts turn a Nelson's eye and pretend as if the problem does not exist. This is a factor which creates an extremely grim situation in a case of compensation based exclusively on sale instances. This is the wide spread tendency to under value sale prices. The provision of Collector's rates has only marginally corrected the anomaly, as these rates are also abnormally low and do not reflect the true value. Where does all this leave a landowner whose land is being compulsorily acquired as he has no control over the price on which some other landowner sells his property which is often the basis for compensation?"

The next question that falls for consideration of this Court is whether any cut is warranted to be imposed on the abovesaid market value of the acquired land. It is the settled proposition of law that imposition of any particular percentage of cut is not an absolute rule. Neither it is desirable nor it is possible to lay down a straight-jacket formula in this regard, which may be made applicable in every given situation. It is equally true that each case is to be decided on the basis of its own peculiar facts and circumstances. In view of the peculiar fact situation obtaining in the instant set of cases, no development of land, as such, was required. Neither beneficiary department was going to lay down any sewerage nor it was going to carve out any parks. Similarly, no land was going to be wasted in construction of roads.

Keeping in view all these abovesaid facts which have gone undisputed on record, this Court is of the considered opinion that no cut is warranted to be imposed on the abovesaid market value for the acquired land. The view that has been taken by this court also finds support from the Division Bench judgment of this Court in **Harbans Singh and others Vs. State of Punjab through the Land Acquisition Collector, Patiala, 2006 (1) RCR (Civil) 634,** which was, in turn, based on the law laid down by the Hon'ble Supreme Court.

The relevant observations made by the Division Bench in paras 12 & 13 of its judgment in **Harbans Singh'**s case (supra), which aptly apply to the facts of these cases, read as under: -

> *"There is no quarrel with the proposition, as has been laid down by the Hon'ble Apex Court in* ***Administrator General of West Bengal Vs. Collector's case*** *(supra), that where the sale instance relied upon by the claimants comprised of small plot of land, than a cut has to be applied while evaluating a large tract of land. However, in our considered view, the aforesaid proposition of law would not be attracted to the present case. As has been noticed by the learned reference Court as well as by the learned Single*

Judge, it is clear that the acquired land was situated within the municipal limits. G.T. Road was situated on one side of the acquired land whereas on the other side of the acquired land a by-pass road connecting Sirhind town with the G.T. Road was situated. There were certain shops, workshops, and petrol-pumps near the acquired land. In this view of the matter, certain observations made by the Hon'ble Apex Court in ***Bhagwathula Samanna and others Vs. Special Tehsildar and Land Acquisition Officer, 1992 (1) RRR 257: 1992 L.A.C.C. 314*** *may be noticed:*

> *"The proposition that large area of land cannot possible fetch a price at the same rate at which shall plots are sold is not absolute proposition and in the given circumstances it would be permissible to take into account the price fetched by the small plots of land. If the larger tract of land because of advantageous position is capable of being used for the purpose for which the smaller plots are used and is also situated in a developed area with little or no requirement of further development, the principle of deduction of the value for purpose of comparison is not warranted. With regard to the nature of the plots involved in these two cases, it has been satisfactory shown on the evidence on record that the land has facilities of road and other amenities and is adjacent to a developed colony and in such circumstances it is possible to utilise the entire area in question as house sites. In respect of the land acquired for the road, the same advantages are available and it did not required any further*

development. We are, therefore, of the view that the High Court has erred in applying the principle of deduction and reducing the fair market value of land from Rs.10/- per sq. yard to Rs.6.50 per sq. yard. In our opinion, no such deduction is justified in the facts and circumstances of these cases."

Following the aforesaid dictum laid down by the Hon'ble Supreme Court of India, a Division Bench of Madras High Court in ***Special Tehsildar (Adi Dravidar Welfare) Vs. Abdul Reguman, 1996 L.A.C.C. 394*** *held as follows:*

"In our view the observation made by the Supreme Court is squarely applicable to the case in hand. Admittedly, the land in question is already in a developed area and situated in an advantageous position and quite suitable for building purpose. It is also proved in evidence that the land in question has all the amenities such as roads, drainage, electricity, communications etc. Therefore, we are of the view that the learned Subordinate Judge is not justified in deducting 20% from the market value. We, therefore, set aside that part of the order of the learned Subordinate Judge, fixing the market value at Rs.1325/- less 20%. The cross-objection is, therefore, allowed and the order of the Subordinate Judge is modified to this extent."

It goes without saying that after laying down the railway line on the acquired land, the land owners would not be in a position to put their unacquired land to its optimum use. Neither it is feasible nor practical by the Railways Department to provide underpasses or over-bridges at short distances.

Because of this reason, the land owners would have to cover considerable distance to reach their unacquired land, which will be adding to transportation charges, adversely affecting the net income considerably, from the unacquired land. Considering all the positive as well as negative determinative factors in this regard, this Court is of the considered view that it would be just and expedient to grant at least 50% of the abovesaid market to the land owners on account of severance charges. Ordered accordingly.

Reliance in this regard can be placed on the judgment dated 09.04.2008 rendered by this Court in **RFA No.1337 of 1991 (Surjit Singh etc. LRs of deceased Nasib Singh and others Vs. The State of Punjab through Land Acquisition Collector)**. In **Surjit Singh**'s case (supra), this Court granted the benefit of 50% of the market value to the land owners on account of severance charges, in a matter where the land was acquired for SYL Canal. The relevant observations made by this Court in **Surjit Singh**'s case (supra), read as under: -

> *"In respect of severance allowance, learned counsel for the appellants/claimants has submitted that the appellants are entitled to at least 50% of the market value as severance allowance. In this regard, he relied upon decision in the case of* ***State of Haryana v. Rajinder Kumar 2000 (1) All India Land Acquisition & Compensation Cases, 360, Punjab State v. Gurbachan Singh and others 1988 P.L.J.490, Smt.Narinder Kaur v. The State of Punjab and others 1980 P.L.R,473, State of Punjab through Collector, Hoshiarpur and another v. Gopal Singh (2002-2) P.L.R.843 and State of Punjab through Collector, Hoshiarpur v. Radha Krishan 1989 All India Land Acquisition and***

compensation Cases, 667, Tehal Singh and others v. The State of Punjab and another 1987 All India Land Acquisition & Compensation Cases 491 and Bishan Dass v. State of Punjab 1997 (2) P.L.J. 416.

On the other hand, Mr. P.C.Goyal, learned Senior Deputy Advocate General, Punjab, appearing on behalf of the respondents as well as appellant in State Appeals has argued that the learned District Judge has erred in assessing the compensation at uniform rate without taking into consideration the nature of land which has been taken care of by the Collector in his award. It has been submitted that the compensation awarded in the case of ***Jaswant Singh v. State of Punjab, (RFA No.1151 of 1991)*** *decided on 10.2.2000 by this Court cannot be made the basis for the assessment of compensation as the same pertains to a different village, whereas the Court below has relied upon a sale deed Ex. P-6 pertaining to the same village Sil Kapra which was executed on 9.8.1985 only a month prior to the date of notification issued under Section 4 of the Act. In respect of severance allowance, it has been argued that award of 40% on the market value is adequate and does not call for any interference.*

I have heard learned counsel for the parties and have perused the record with their assistance.

It is undisputed that the appellants have placed on record Ex. P-6, which is a sale deed pertaining to 1 kanal 16 marlas of land situated in village Sil Kapra sold for Rs. 18,000/- which comes to Rs. 80,000/- per acre. The compensation rendered in

Jaswant Singh's Case aforesaid renders no assistance to the appellants as there is no evidence on record to show that the land situated in village Sil Kapra was similar to that of the land situated in village Batta and also there is no evidence to show that potentiality of the land in village Batta was similar to that of village Sil Kapra, except for a statement of PW-4 that the land of village Batta and Sil kapra adjoins the acquired land. Therefore, in my view, this could not be a guiding factor for the purposes of determination of compensation for the acquired land, especially in view of the fact that there is already evidence on record tendered by the appellants themselves in the nature of Ex.P-6 of village Sil Kapra, where the sale was effected on 9.8.1985 only about a month prior to the acquisition which is the best piece of evidence for the purpose of assessing the market value of the acquired land. Thus, the argument raised by learned counsel for the claimants/ appellants for the enhancement of compensation in respect of the land is hereby rejected.

So far as severance allowance is concerned, in deed, there is merit in the argument of learned counsel for the claimants/appellants, who has cited a catena of judgments referred here-in-above in which this Court has repeatedly awarded 50% of the market value for severance allowance. In my view, the appellants are also entitled to 50% of the market value for severance alowance in view of the decision rendered in Rajinder Kumar's Case (Supra), Gurbachan Singh's Case (Supra), Smt.Narinder Kaur's Case (Supra), Gopal Singh's Case (Supra), *Radha Krishan's Cases (Supra), Tehal Singh's Case (Supra) and Bishan Dass's Case (Supra).*

To be fair to learned counsel for the Railways Department, his argument for lesser percentage of severance charges based on the judgment of this Court in **State of Haryana and anr. Vs. Mithu Singh and ors., (2010) 158 PLR 656** is to be noted to be rejected. The argument raised by learned counsel for the Railways Department has not been found worth acceptance. There is no dispute about the observations made by this Court in **Mithu Singh**'s case (supra), however, on close perusal thereof, the cited judgment has not been found of any help to the Railways Department, it being distinguishable on facts. It is the settled proposition of law that peculiar facts of each case are to be examined, considered and appreciated first before applying any codified or judgemade law thereto. Sometimes, difference of one additional fact or circumstance can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.**

Coming to the second set of cases arising out of later acquisition where notification under Section 4 of the Act was issued on 08.06.2009, neither there is any different in the fact situation nor anyone has been pointed out by learned counsel for the parties. However, learned counsel for the beneficiary department submits that let exactly the same method of assessing the market value may be adopted in the present case, which was adopted in the cases arising out of earlier acquisition, dated 18.03.2009. On the other hand, learned counsel for the appellants-land owners submit that the appellants in these cases arising out of later acquisition, would be further entitled for enhancement for the time gap over and above the market value, which has been granted to the land owners of earlier acquisition i.e. dated 18.03.2009.

After giving thoughtful consideration to the contentions raised by learned counsel for the parties, this Court is of the considered view that keeping in view the totality of facts and circumstances of the cases arising out of later acquisition, the land owners are entitled for the same amount of compensation for their acquired land, including the amount on account of severance charges, which has been granted vide instant order to the land owners of earlier acquisition. It is so said because the land which was acquired by way of earlier notification dated 18.03.2009 and the land acquired vide later notification dated 08.06.2009, are undisputedly adjoining with each other. Further, the purpose of acquisition in the earlier as well as later acquisition is admittedly one and the same.

In this view of the matter, this Court has found no justified reason to treat the land owners of later acquisition differently for the purpose of assessing the compensation for their acquired land. So far as further enhancement, as prayed for on behalf of the land owners of later acquisition, is concerned, they have not been found entitled for this benefit, for the reason that there is hardly any time gap between these two acquisitions. Earlier acquisition was dated 18.03.2009, whereas the later acquisition was dated 08.06.2009, thus, it cannot be said to be any substantial time gap. Under this undisputed fact situation, it can be safely concluded that the land owners of both these acquisitions deserve similar treatment. Accordingly, land owners of both these acquisitions are held entitled to receive the compensation for their acquired land at the same rate of Rs.24,45,465/- per acre, from the date of notification under Section 4 of the Act.

No other contrary 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 all the appeals filed by the land owners deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The land owners in the appeals arising out of acquisition dated 18.03.2009 as well as the land owners in the appeals arising out of the acquisition dated 08.06.2009, are held entitled to receive the compensation for their acquired land, at the uniform rate of Rs.24,45,465/- per acre, from the date of notification under Section 4 of the Act. They are also held entitled to receive 50% of the abovesaid market value on account of severance charges. Besides this, the land owners, in both these acquisitions, shall be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.

Resultantly, with the observations made above, all these 91 appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
16.02.2016 **JUDGE**
vishnu