IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 991 of 2013 (O&M)
Date of decision: 2.3.2016

Tarlochan Singh and another

.. Appellants

Vs.

State of Punjab and another

... Respondents

CORAM:HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. M.L. Sarin, Sr. Advocate with
Ms. Ankita Sambyal, Advocate
Mr. Ritesh Aggarwal, Advocate and
Mr. Vijay Sharma, Advocate
for the appellants in RFA No. 991 of 2013.

Mr. Rakesh Gupta, Advocate
for the appellants
in RFA No. 4062, 4064 to 4067, 4069 of 2013.
in RFA No. 253 of 2014.

Mr. Vijay Sharma, Advocate
for the appellants
in RFA No. 969 to 972, 974 to 976, 978 to 983, 985, 987 to 990, 2180, 2183, 2187, 2188, 2190 to 2192, 2777 to 2779, 2782, 2783, 3504 of 2013
RFA No. 1042, 2102, 2222 to 2224, 2531, 3378 of 2014.

Mr. Anish Garg, Advocate
for the appellants
in RFA Nos. 1428, 1429, 1431 to 1433, 1435 to 1437, 1439 to 1442, 1444 to 1446, 1448, 1449, 1454, 1456 to 1458, 1460, 1467 of 2013.

Mr. Jasleen Kaur, Advocate
for the appellant
in RFA No. 48 of 2014.

Mr. Arvind Mittal, Advocate
for the appellants
in RFA No. 3042, 3044 to 3046, 3048, 3051, 3052, 3054 to 3056, 3058, 3061 to 3065, 3067, 3068, 3070 to 3074,

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3076 to 3090, 3092 to 3095, 3097 to 3100, 3102, 3106, 3108, 3110, 5097 to 5110, 5113, 5117, 5122, 5123, 5126 to 5130, 5132 to 5134, 5136 to 5139, 5141 to 5144, 5147, 5148, 5150 to 5155, 5157, 5159 to 5170, 5173 to 5175, 5178 of 2013.

Ms. Suchi Sodhi, Advocate for
Mr. Animesh Sharma, Advocate
for the appellants in RFA No. 3543, 7082, 7083 of 2013.

Mr. Ashish Verma, Advocate
for Omaxe Residents Welfare Association.

Mr. Chanchal K. Singla, Advocate
for the appellants
in RFA No. 3044, 3064, 3097, 4408, 4749, 5669 of 2013.

Mr. Karan Gupta, Advocate
for the appellants
in RFA Nos. 4060, 4062, 4064 to 4067, 4069 of 2013.

Mr. Yatinder Sharma, Additional A.G. Punjab.

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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. (Oral)

This batch of 203 Regular First Appeals bearing RFA Nos. 969 to 972, 974 to 976, 978 to 983, 985, 987 to 991, 1428, 1429, 1431 to 1433, 1435 to 1437, 1439 to 1442, 1444 to 1446, 1448, 1449, 1454, 1456 to 1458, 1460, 1467, 1652, 2145, 2180, 2183, 2187, 2188, 2190 to 2192, 2225 to 2229, 2777 to 2779, 2782, 2783, 2902, 3042, 3044 to 3046, 3048, 3051, 3052, 3054 to 3056, 3058, 3061 to 3065, 3067, 3068, 3070 to 3074, 3076, to 3090, 3092 to 3095, 3097 to 3100, 3102 to 3106, 3108, 3110, 3503, 3504, 3543, 4060, 4062, 4064 to 4067, 4069, 4403, 4408, 4749, 4966, 4967, 5097 to 5110, 5113, 5117, 5122, 5123, 5126 to 5130, 5132 to 5134,

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5136 to 5139, 5141 to 5144, 5147, 5148, 5150 to 5155, 5157, 5159 to 5170, 5173 to 5175, 5178, 5669, 5786, 7082, 7083, 7286 of 2013; 48, 253, 1042, 2102, 2222 to 2224, 2531, 3378 of 2014, filed by the landowners, alongwith cross objection No. 36-CI-2014, 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. 991 of 2013 (Tarlochan Singh and another Vs. State of Punjab and another).

Briefly put, facts necessary for disposal of instant bunch of appeals are that State of Punjab sought to acquire land measuring 330 acres 4 bighas ½ biswa out of revenue estate of village Baran, Tehsil and District Patiala, at public expenses for public purpose; namely for setting up of an Integrated Township at village Baran, Tehsil and District Patiala by the Patiala Development Authority, ('PDA' for short). Accordingly, notification dated 10.12.2002 came to be issued under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short), which was followed by notification dated 13.10.2003 under Section 6 of the Act.

The Land Acquisition Collector, ('LAC' for short), vide his award dated 26.6.2003, assessed the market value of the acquired land, adopting the belting system. ₹13 lacs per acre was awarded for the land up to the depth of one acre on Patiala-Sirhind Road. An amount of ₹7,50,000/- was awarded for the land situated beyond one acre and up to four acres. ₹5 lacs per acre was awarded for the land

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which was situated beyond the depth of four acre. The landowners were not satisfied with the compensation awarded by the LAC and filed their objections under Section 18 of the Act. As a consequence, 154 land references were forwarded to the learned reference court, who decided all the references together, vide common impugned award dated 15.9.2012.

Upholding the belting system, learned reference court put the acquired land in three categories. For category A, the market value was assessed at ₹19,36,000/- per acre up to the depth of one acre from road. An amount of ₹10,89,000/- per acre was assessed for the land falling in category B, i.e. beyond the depth of one acre and up to four acre. ₹7,26,000/- was granted for the land of category C, which was situated beyond four acres.

Both the parties felt aggrieved against the impugned award passed by the learned reference court. The beneficiary department-PDA is seeking reduction in the amount of compensation awarded by the learned reference court, whereas, the landowners are seeking further enhancement in the amount of compensation for their acquired land. That is how, all these appeals are being decided together.

Having heard learned counsel for for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that so far as appeals filed by the PDA are concerned, the same have been found bereft of merit and are liable to be dismissed, whereas the appeals filed by the

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landowners deserve to be partly allowed, suitably enhancing the compensation for their acquired land. To say so, reasons are more than one, which are being recorded hereinafter.

Before proceeding on merits of instant bunch of appeals, it deserves to be noticed, as pointed out by the learned senior counsel for the appellants-landowners, that since after its acquisition, the acquired land was sought to be developed into an Integrated Township through a private builder namely M/s Omaxe Limited, the acquisition itself was challenged by the landowners before this Court by filing number of writ petitions. However, since in the interregnum, third party interests had been created, the writ petitions were dismissed as withdrawn, vide order dated 26.9.2011 passed by 1st Division Bench of this Court.

Some observations made by the Division Bench in this regard, which are relevant for the purpose of decision of these appeals, are as under:-

> *In order to verify the transparency of the process of tender, we have verified the relevant records. A decision was taken on 29.4.2005 by the PUDA under the chairmanship of the then Chief Minister, Punjab for development of the Baran Township. The planning, development and marketing of the said township as a joint venture project on turnkey basis was proposed to be examined and a transparent process of inviting proposals should be ensured. In pursuance to the*

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same that private consultant M/s Feedback Ventures was hired to look into the aspect of proposed joint venture and to draw up the terms for the same. The terms-sheet of the Joint Venture Agreement envisaged as per Clause-3, inter alia, that the PDA would be entitled to 15% of the revenue generated and rest 85% would accrue to the developer. Incidentally, the main grouse made against the tender awarded, as urged by learned senior counsel for the petitioners, was that this financial term and condition was a sell out to the developer and had been tailor-made for M/s Omaxe Limited different from others, as noticed in our order yesterday. The advertisement inviting Expression of Interest was, thus, issued on 19.8.2005 which evinced interest by 15 applicants and resulted in the bid document being issued to all the interested bidders. Pre-bid meeting was held with all the fifteen participants on 8.8.2006 with discussions on various terms and conditions. The date of submission of the Request for Proposal (RFP) was extended to 30.8.2006 with clarification issued after pre-bid meeting being supplied to the participant bidders. Five applicants out of the fifteen were disqualified as being ineligible while the technical bids of the remaining ten bidders were

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opened on 30.8.2006 only for the participants qualified the technical bid including M/s Omaxe Limited. The financial bids were opened on 4.9.2006 where the bid of M/s Omaxe Limited was found to be the most competitive having offered Rs. 109 crores apart from, of course, the revenue share arrangement and the process is stated to have been videographed. Thus, the LOI was issued to M/s Omaxe Limited on 18.9.2006 and the Joint Development Agreement was entered into on 16.11.2006 with the minutes of the pre-bid meeting dated 8.8.2006 being attached as agenda to avoid any confusion and for removal of doubts. The aforesaid process followed, thus, shows that the transparency of the procedure could not really be doubted nor was there any special or tailor-made conditions for M/s Omaxe Limited, there being a comprehensive bidding process.

Learned senior counsel for the petitioners fairly states that by lapse of time a large amount of third party interest has been created where people even from the weaker sections are involved who are interested in the property and any impediment in their construction is already causing them considerable harassment, a factor which has weighed with us in these proceedings. This is

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despite the fact that we are conscious of the ground reality that often bane of any acquisition under the Land Acquisition Act, 1894 (for short 'the said Act) has been inadequate compensation to the landowners especially as registered documents of title and circle/collector rates of Government bind a person who is deprived of his property while those documents do not often reflect the market rate. In view of the peculiarity of how there is improper reflection of sale consideration in sale deeds, the remedy unfortunately is legislative and now a new Act is on the anvil, though it may not provide solace to parties like the petitioners who already have been deprived of their properties.

We are informed that in the reference under Section 18 of the said Act, their compensation has been enhanced and further appeals have been filed before the High Court which will determine the best compensation possible based on the material available on record. We are sure that keeping in mind the decline in the value of money and increase in real estate rates, which make compensation and interest after long period illusory, the concerned Bench will endeavour to bestow its consideration as early as possible. This order can be brought to the notice of the

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relevant Bench in seisin of the dispute.

So far as the applications under Order 1 Rule 10 (a) read with Section 151 of the Code of Civil Procedure, 1908, for impleadment as party-respondent, moved on behalf of Omaxe City Residential Welfare Society in many cases, including CM No. 1840-CI of 2016 in RFA No. 991 of 2013, and numerous identical applications are concerned, these applications were not pressed before this Court by the learned counsel for the applicants. Accordingly, all the applications for impleadment as party-respondent stand dismissed as not pressed.

A bare perusal of the impugned award passed by the learned reference court would show that very voluminous evidence was brought on record by both the parties, with a view to substantiate their respective stands taken before the learned reference court. Hundreds of sale examplers, relevant as well as irrelevant, were produced before the learned reference court in order to show the market value of the acquired land. Similarly, evidence was produced to show the potentiality of the acquired land. Relevant discussion and observations made by the learned reference court in para 11 of the impugned award, read as under:-

> "It is not disputed that M/s Perfect Industry, M/s Chirag Industry, M/s Aroma Chemical, M/s J.J. Chemical and other industries were already running in the acquired land and inadequate compensation has been awarded for the structure as the respondents witnesses admitted that they

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had assessed the market value as per rates fixed by the Govt. Even the residential houses of Gurpreet Singh, Chand Singh and Avtar Singh were not properly assessed. Ld. Counsel submitted that the high market price of the land can be assessed from the fact the Govt. paid Rs. 27 crores to the land owners and the Govt. further sold the property for Rs. 109 crores to the Omaxe. Land is situated on Patiala Sirhind Highway and it is situated at a distance of 8 Kms from bus stand Patiala. It has also been proved that municipal limits also touch the land and land is situated at a distance of 1 km from the bypass. The land for industrial area was acquired in the year 1992 and award was passed by the court vide which the market value was assessed @ Rs. 400/- per sq. yd in the year 1992. Present land has been acquired for residential as well as commercial purpose and the land abuts the main road whereas the land which was acquired for the industrial was not abutting the main road. There are many colleges, colonies around the acquired land. Even the State has relied upon the sale deeds vide which land was sold for Rs. 1000/- per sq. yd and now it is well settled by the Hon'ble Supreme Court of India that in case sale deeds are relied by the State then the sale deed which is of maximum

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value should be relied for assessing the market value. From the master plan proved on record it is clear that the acquired land has huge commercial potential. Awards Ex.PW47/E, Ex.PW47/F and Ex.PW47/G are pertaining to the land acquired of village, Jhill, Tafazalpura and Alipur Araian and perusal of the same show that market value of the land in the year 1993 was assessed Rs. 450/- per sq. yd. Merely because the land was agricultural will not disentitle the petitioners from getting the adequate compensation by treating the land to be of commercial value. The Omaxe have been further selling the plots @ Rs. 55,00/- per sq. yd. Ld. counsel submitted that regarding the structure the petitioners are entitled to the average of the assessment made by the State as well as the petitioners. The Govt. officials admitted that they have given the compensation of the trees on the basis of price index which was prevalent in the year 1985 and not as per the price index which was prevalent in the year 2002. The petitioners have not been given any compensation of shifting charges of the industry. It has been proved that the owners of the industry suffered loss due to the acquisition of the land."

A combined reading of the site plan available on the lower

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court record ('LCR' for short) in the form of Ex. PW 47/A, Ex. PW/47/B, Ex. PW47/C and Ex. PW 47/D, coupled with the abovesaid observations made by the learned reference court, would show that the acquired land was situated on the Patiala-Sirhind Highway. The acquired land was only 1 km away from the Northern Byepass, Patiala. The acquired land was located just at the outskirts of Patiala City and there was hardly any distance between the acquired land and the municipal limits. Very many establishments, including commercial establishments, were situated in and around the acquired land, because many running industries were already existing in the acquired land.

Verka Milk Plant was situated in the close vicinity of the acquired land. Many marriage palaces, petrol pumps, shops were situated nearby. Industrial focal point, rice shellers, residential colonies, showrooms of leading automobile industries, including Hyundai were situated near the acquired land. Hotel Sunrise and Diesel Components Works, which was a prestigious project of national importance set up by the Government of India, were also located in the revenue estate of village Baran and adjoining revenue estate of village Alipur Araian. Having said that, this Court feels no hesitation to conclude that the acquired land was having great potentiality. It was no more a simple agricultural land, because it could have been easily put to the residential, commercial as well as industrial use.

There are two kinds of relevant pieces of evidence available on record, which can be considered for assessing the market value

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of the acquired land. One set of evidence is in the form of numerous sale instances. Other set of evidence is in the form of judicial pronouncements, whereby the learned reference court as well as this Court had already assessed the market value of the land, which was earlier acquired from the adjoining revenue estates. It deserves a special mention here that, while taking into consideration either set of the abovesaid evidence. i.e. in the form of sale instances or earlier awards/orders, the market value would come almost the same.

It is so said because even as per the sale deeds relied upon by the beneficiary-department and the State themselves, particularly in the form of Ex. R71 and Ex. R72, referred to at page 190 of the paper book and in para 13 of the impugned award, the market value disclosed therein, was at ₹1229.50 per sq. yard. Further, on this market value, the landowners would be entitled for annual increase for the time gap.

When this proposition was put to the learned counsel for the beneficiary department-PDA, he had nothing to oppose the proposition and rightly so, it being a matter of record because it was the evidence which was relied upon by the respondents themselves. However, learned counsel for the beneficiary department-PDA, placed reliance on numerous judgments on different aspects, including onus on the claimants, factors for assessing the market value and for applying a reasonable percentage of cut on the market value disclosed in the sale deeds, and the same are as under:-

(1) Chiman Lal Hargovinddas Vs. Special Land Acquisition Officer, Poona and another, (1988) 3 SCC 751

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(2) Ravinder Narain and another Vs. Union of India, (2003) 4 SCC 481

(3) Mohammad Raofuddin Vs. Land Acquisition Officer, (2009) 14 SCC 367

(4) Lal Chand Vs. Union of India and another, (2009) 15 SCC 769

(5) Karnataka Urban Water Supply and Drainage Board and others Vs. K.S. Gangadharappa and another, (2009) 11 SCC 164

(6) Haryana State Industrial Development Corporation Vs. Pran Sukh and others (2010) 11 SCC 175

(7) Special Land Acquisition Officer and another Vs. M.K. Rafiq Saheb (2011) 7 SCC 714

(8) Chandrashekar (Dead) By LRs and others Vs. Land Acquisition Officer and another, (2012) 1 SCC 390

(9) Ramanlal Deochand Shah Vs. State of Maharashtra and another, (2013) 4 SCC 50

(10) Defence Reserch and Development Organisation Vs. Anjanappa and another, (2014) 15 SCC 161

(11) Ram Kanwar and others Vs. State of Haryana and another, 2015 (1) RCR (civil) 234

(12) Major General Kapil Mehra and others Vs. Union of India and another, (2015) 2 SCC 262

So far as the abovesaid judgments relied upon by the learned counsel for the respondents are concerned, there is no dispute about the law laid down therein. However, on a careful perusal of the cited judgments, none of them has been found to be of any help to the respondents, being distinguishing on facts. Further, it is the settled principle 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 even

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one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundara Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.**

Learned senior counsel for the appellants-landowners raised twin arguments. Firstly, he emphasised for ignoring the belting system, which was adopted by LAC and upheld by the learned reference court. Secondly, he prayed for relying on the order dated 11.1.2016 passed by this Court itself in *RFA No. 1501 of 2003 Sukhdev Singh and others Vs. State of Punjab)*, whereby the appeals arising out of the award Ex.P-47/G pertaining to the adjoining revenue estate of village Alipur Araian, were decided by this Court and thereafter, benefit of annual increase for the time gap may be granted to the landowners. Learned senior counsel for the appellants concluded by fairly stating that a reasonable cut may be imposed on the market value which would come after granting the benefit of 12% annual increase to the landowners for the time gap between Sukhdev Singh's case (supra) and the present set of cases. In support of his contentions, learned senior counsel for the appellants places reliance on the following judgments:-

(1) Krishna Yachendra Bahadurvaru, Vs. the Special Land Acquisition Officer, City Improvement Trust Board, Bangalore and others, AIR 1979 SC 869 (SC)

(2) Mehtab Singh and others Vs. State of Haryana, 1994 (5) SC 394 (SC)

(3) Calcutta Metropolitan Development Authority Vs. Dominion Land & Industries Ltd Kalidas Chakraborty, (1995) 4 SCC 231 (SC)

(4) General Manager, Oil and Natural Gas Corporation Limited Vs. Rameshbhai Jivanbhai Patel and another,

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(2008) 14 SCC 745 (SC)

(5) Valliyammal and another Vs. Special Tahsildar (Land Acquisition) and another, 2011 (8) SC 442 (SC)

(6) Mehrawal Khewaji Trust (Registered), Faridkot and others Vs. State of Punjab and others, (2012) 5 SCC 432 (SC)

(7) Ashrafi and others Vs. State of Haryana and others, (2013) 5 SCC 527 (SC)

(8) Malkiat Kaur Vs. State of Punjab and another, 2005 (2) LACC 645, (P&H)

(9) Harchal Singh Vs. The State of Punjab through Land Acquisition Collector, Industries Department, Punjab, Chandigarh, 1991 LACC 204 (P&H)

(10) Kashmira Singh and others Vs. The Land Acquisition Tribunal Ludhiana Improvement Trust through its President and others, 2006 (2) LACC 423

(11) Shri Siri Paul Oswal Vs. The Collector, Land Acquisition, Ludhiana, (LPA No. 767 of 1980 decided on 23.12.1981.

After giving anxious consideration to the arguments advanced on behalf of both the parties and keeping in view the peculiar facts and circumstances of the cases in hand, this Court feels no hesitation to conclude that instead of considering the sale examplers, order dated 11.1.2016 passed by this Court in Sukhdev Singh's case (supra) would be a safer guide for assessing the market value of the acquired land. It is so said because Sukhdev Singh's case (supra) was pertaining to just adjoining revenue estate situated on this very Patiala-Sirhind Highway and distance between the two was also not substantial, as noticed by the learned reference court itself, while recording the relevant findings, referred to hereinabove.

The landowners had specifically put reliance on the award

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Ex.PW47/G, which is so recorded by the learned reference court in para 11 of the impugned award. This award Ex.PW47/G was pertaining to villages Jhil, Tafazalpura and Alipur Araian. The land from the abovesaid three villages was acquired vide notification dated 5.8.1993 for the purpose of construction of Northern Bye-pass Patiala. The learned reference court had assessed the market value vide award Ex.PW47/G at the rate of ₹450 per sq. yard in the year 1993. While deciding the appeals arising against the award Ex.PW47/G, including the case of Sukhdev Singh (supra), vide order dated 11.1.2016, this Court assessed the market value @ ₹730/- per sq. yard. However, in the present set of cases, notification under Section 4 of the Act was issued on 10.12.2002, thus, there was time gap of 9 years and 4 months between these two acquisitions.

There is yet another very relevant piece of evidence available on record in the form of Ex.PW60A/B, whereby M/s Omaxe Limited sold residential plots out of the acquired land itself @ ₹5500/- per sq. yard in the year 2006, which goes a long way to show the huge potentiality of the acquired land. Although Ex.PW60A/B cannot be made a safe basis for assessing the market value of the acquired land but the same cannot be altogether ignored, it being one of the relevant and positive determinative factors for assessing the market value of the acquired land. It is also pertinent to note here that it has gone undisputed between the parties that M/s Omaxe Limited has kept a big chunk of land measuring 95 acres, out of the acquired land, for commercial purpose. This fact also speaks volumes about the material fact that acquired land could have been easily put to

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industrial, residential as well as commercial use.

Although keeping in view the location and potentiality of the acquired land, the landowners might be justified, while claiming the benefit of 15% annual increase, yet, in order to strike a balance between the parties, this Court is of the considered view that 12% annual increase would be just and reasonable, which shall meet the ends of justice. After granting the benefit of 12% annual increase on cumulative basis, for the time gap of 9 years, the amount comes to ₹2024.30/- which is rounded of to ₹2025/- per sq. yard.

The immediate next question that falls for consideration of this Court is: how much percentage of cut would be reasonable on the abovesaid market value. Imposition of any particular percentage of cut on the given market value is not an absolute rule. Neither it is desirable nor it is possible to lay down any straight jacket formula in this regard, which might 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.

Keeping in view the peculiar fact situation obtaining in the cases in hand and to do complete and substantial justice between the parties, this Court is of the considered view that 30% cut on the abovesaid market value would be just and reasonable. After applying 30% cut on the abovesaid market value of ₹2025 per sq. yard, market value comes to ₹1418 per sq. yard.

That brings this Court to the next equally important issue pertaining to the belting system. It is a matter of record that total acquired land was going to be used for one and the same purpose.

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It was acquired for the same purpose and vide one notification. In such an undisputed peculiar fact situation, this Court is of the considered view that exact location and quality of the acquired land would be hardly of any consequence. Every inch of the acquired land would be put to the same use. Neither LAC nor the learned reference court were having any plausible reason, nor any such cogent reason has been recorded by either of them, for resorting to the belting system. In fact, LAC wrongly resorted to the belting system which was illegally upheld by the learned reference court. This is the reason that findings recorded by the learned reference court in this regard cannot be sustained.

The abovesaid view taken by this Court on the belting system, also finds support from more than one following judgments of the Hon'ble Supreme Court as well as of this Court:-

(1) Union of India Vs. Harinder Pal Singh and others, 2005 (12) SCC 564 (SC)

(2) Udho Dass Vs. State of Haryana, 2010 (12) SCC 51 (SC)

(3) Ashrafi and others Vs. State of Haryana, 2013 (5) SCC 527 (SC)

(4) Kehar Singh Vs. State of Punjab, 1992(1) R.R.R. 81 (P&H)

(5) Harinderpal Singh Vs. Punjab State through the Collector, Amritsar, 1997 (3) RCR (civil) 431 (P&H)

(6) Union of India Vs. Dr. Balbir Singh, 1999 (2) RCR (civil) 546 (P&H)

(7) Pawan Kumar and another Vs. Land Acquisition Collector and others, 2001 (1) RCR (civil) 598 (P&H)

(8) Harjit Singh @ Kaka Singh Vs. State of Punjab and another, 2004 (1) RCR (civil) 484 (P&H)

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(9) Smt. Mahabiri Devi and others Vs. State of Haryana and another, 2005 (4) RCR (civil) 142 (P&H)

(10) Gulzar Singh Vs. State of Haryana 2006 (3) RCR (civil) 174 (P&H)

(11) Kashmira Singh and others Vs. Land Acquisition Tribunal Ludhiana Improvement Trust Ludhiana through its President and others, 2006 (2) LAR 69 (P&H)

(12) Gursher Singh and others Vs. President, Improvement Trust Tribunal, Jalandhar and others, 2007 (1) RCR (civil) 429 (P&H)

(13) Baru Ram and others Vs. State of Haryana and another, 2010 (3) RCR (civil) 754 (P&H)

So far as the distance between the acquired land in Sukhdev Singh's case (supra) and the land acquired by way of instant acquisitions is concerned, the law laid down by the Hon'ble Supreme Court in **Ashrafi and others Vs. State of Haryana and others, (2013) 5 SCC 527 (SC)** and **Kashmir Singh Vs. State of Haryana, 2014 (2) SCC 165** and **Thakarsibhai Devjibhai and others v. Executive Engineer and another, AIR 2001 SC 2424,** can be safely relied upon. As noticed hereinabove, the land acquired by way of both the abovesaid acquisitions, was situated in the adjoining revenue estates. Further, both these revenue estates were abutting the same Highway. This was the reason that the earlier award Ex.PW47/G as well as the order passed by this Court in Sukhdev Singh's case (supra) have been found to be the most relevant pieces of evidence for assessing the market value of the acquired land.

Let it be specifically recorded here that no other better evidence or relevant judicial precedents were pressed into service, nor any other argument was raised on behalf of either of the parties.

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Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that these appeals filed by the landowners deserve to be partly accepted and the same are allowed to the extent indicated above. The landowners are held entitled to receive the compensation for their acquired land at the uniform rate of ₹1418/- per acre from the date of notification under Section 4 of the Act. Besides this, the land owners shall also 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 appeals and cross objection stand disposed of in the abovesaid terms, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

2.3.2016
AK Sharma

AMIT KUMAR
2016.05.13 10:30
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