IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.3860 of 2014 and other connected matters
Date of decision: 24.02.2016

Ajmer Singh and others

... Appellants

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Avnish Mittal, Advocate and
Ms. Aparna Singhal, Advocate
for the appellant(s) (in RFA Nos.3860 to 3879, 3948 to 3950, 3981 to 3985, 4254, 4255, 4806, 4807, 4938 to 4942, 4983, 5296, 5297, 6580, 8157, 8175 of 2014, 2254 of 2015)

Mr. O.P. Goyal, Senior Advocate with
Mr. Suneel Ranga, Advocate
for the appellant(s) (in RFA No.6300 of 2014)

Mr. Anil Kshetarpal, Senior Advocate with
Mr. Piyush Aggarwal, Advocate
for the appellant(s) (in RFA Nos.6122, 6298, 6299 & 6301, 8762 of 2014)

Mr. Shailendra Jain, Senior Advocate with
Mr. Bhagender, Advocate and
Mr. Siddharth Jain, Advocate
for the appellant(s) (in RFA Nos.5047, 5048 of 2014)

Mr. Navmohit Singh, Advocate
for the appellant(s) (in RFA No.5647 of 2015)

Mr. Rakesh Kumar Sharma, Advocate
for the appellant(s) (in RFA No.9109 of 2014)

Mr. Kulbhushan Raheja, Advocate
for the appellant(s) (in RFA No.4528 of 2015)

Mr. Bhag Singh, Advocate
for the appellant(s) (in RFA Nos.6371 to 6374, 8356 to 8358 of 2014)
Mr. K.L. Saini, Advocate
for the appellant(s) (in RFA Nos.8824, 8843 to 8855 of 2014, 1495 of 2015)

Mr. S.S. Kamboj, Advocate
for the appellant(s) (in RFA Nos.4173 to 4177, 6712 of 2014)

Mr. Jitneder S. Chahal, Advocate
for the appellant(s) (in RFA Nos.9639 to 9641 of 2014)

Mr. Pankaj Chauhan, Advocate
for the appellant(s) (in RFA Nos.7434, 7436 to 7438, 7676, 7677 of 2014)

Mr. Robin Dutt, Advocate and
Mr. Alok Mittal, Advocate
for the appellant(s) (in RFA Nos.5017, 5530 to 5533, 5445 of 2014)

Mr. V.K. Gupta, Advocate
for the appellant(s) (in RFA Nos.6345, 6346, 6582, 6583, 8398 to 8411, 9072, 9214 to 9235 of 2014, 295, 306, 307, 328, 5831, 5832, 6231 of 2015, 85 of 2016)

Mr. S.S. Dinarpur, Advocate
for the appellant(s) (in RFA Nos.4216 to 4219, 6951, 6952, 7206, 7370, 8173 of 2014)

Mr. Ravindra Jain, Advocate
for the appellant(s) (in RFA Nos.8301 to 8306, 8918 to 8927, 10866, 10867 of 2014, 245, 246, 807, 944, 2264, 2265, 3150, 4597, 5386, 5387, 6104, 6155, 6156, 6469, 6519, 6520 of 2015)

Mr. Sudhir Paruthi, Advocate
for the appellant(s) (in RFA No.7334 of 2014)

Mr. Inderjeet Singh, Advocate
for the appellant(s) (in RFA Nos.7335, 7649, 7650, 7653, 7654 of 2014)

Mr. Sandeep Saini, Advocate for
Mr. Sheery K. Singla, Advocate
for the appellant(s) (in RFA No.9719 of 2014)

Mr. R.S. Budhwar, Advocate
for the appellant(s) (in RFA No.6616 of 2014)

Mr. Ashok Kumar Khubbar, Advocate
for the appellant(s) (in RFA Nos.4897 to 4911, 5004, 6288 to 6293, 6964 to 6966, 8177, 9126 of 2014, 2714 of 2015)

Mr. V.B. Aggarwal, Advocate and
Mr. Vivek Aggarwal, Advocate
for the appellant(s) (in RFA Nos.8686, 8687, 10676 of 2014)

Mr. Munish Mittal, Advocate
for the appellant(s) (in RFA Nos.6276 to 6278, 6529 to 6535, 6721 to 6730, 6880, 6881, 7970, 8908, 8909, 9655, 9830 of 2014, 6283 of 2015)

Mr. Deepak Saini, Advocate for
Mr. P.S. Saini, Advocate
for the appellant(s) (in RFA Nos.4169 to 4172, 5409, 5410, 5546, 5976 of 2014)

Mr. G.C. Shahpuri, Advocate
for the appellant(s) (in RFA Nos.4820 to 4826 of 2014)

Mr. R.S. Mamli, Advocate
for the appellant(s) (in RFA Nos.7245, 7297, 7298, 7391 to 7393, 7691, 9060 of 2014)

Mr. Sanjay Verma, Advocate
for the appellant(s) (in RFA Nos.3968 to 3973, 5304, 5357 to 5361, 6620, 6936, 6937, 8379 to 8381 of 2014)

Mr. Diwan S. Adlakha, Advocate
for the appellant(s) (in RFA Nos.8389 to 8392 of 2014)

Mr. Shakti Bhardwaj, Advocate
for the appellant(s) (in RFA No.219 of 2015)

Mr. Karan Singh, Advocate
for the appellant(s) (in RFA No.10330 of 2014)

None for the appellant(s) (in RFA Nos.4894 to 4896, 4982, 6581, 6702, 7243, 10332, 10607, 10608 of 2014, 2313, 2706, 4583, 4693 to 4696 of 2015)

Mr. Abhinash Jain, 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

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RAMESHWAR SINGH MALIK, J.

This batch of 322 appeals, bearing Regular First Appeal Nos.3860 to 3879, 3948 to 3950, 3968 to 3973, 3981 to 3985, 4169 to 4177, 4216 to 4219, 4254, 4255, 4806, 4807, 4820 to 4826, 4894 to 4911, 4938 to 4942, 4982, 4983, 5004, 5017, 5047, 5048, 5296, 5297, 5304, 5357 to 5361, 5409, 5410, 5445, 5530 to 5533, 5546, 5976, 6122, 6276 to 6278, 6288 to 6293, 6298 to 6301, 6345, 6346, 6371 to 6374, 6529 to 6535, 6580 to 6583, 6616, 6620, 6702, 6712, 6721 to 6730, 6880, 6881, 6936, 6937, 6951, 6952, 6964 to 6966, 6981, 7206, 7243, 7245, 7297, 7298, 7334, 7335, 7370, 7391 to 7393, 7434, 7436 to 7438, 7649, 7650, 7653, 7654, 7676, 7677, 7691, 7970, 8157, 8173, 8175, 8177, 8301 to 8306, 8356 to 8358, 8379 to 8381, 8389 to 8392, 8398 to 8411, 8686, 8687, 8762, 8824, 8843 to 8855, 8908, 8909, 8918 to 8927, 9060, 9072, 9109, 9126, 9214 to 9235, 9639 to 9641, 9655, 9719, 9830, 10330, 10332, 10607, 10608, 10676, 10866 & 10867 of **2014,** 219, 245, 246, 295, 306, 307, 328, 807, 944, 1495, 2254, 2264, 2265, 2313, 2706, 2714, 3150, 4528, 4583, 4597, 4693 to 4696, 5386, 5387, 5647, 5831, 5832, 6104, 6155, 6156, 6231, 6283, 6469, 6519 & 6520 of **2015,** 85 of **2016**, 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.3860 of 2014 (Ajmer Singh and others Vs. State of Haryana and others).

Briefly put, facts of the case necessary for disposal of the instant bunch of appeals, are that the State of Haryana sought to acquire a big chunk of land out of four revenue estates. Although the notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 30.05.2005 for the land measuring 561.38 acres, yet the notification dated 22.05.2006 under Section 6 of the Act was issued only for 444.71 acres. Finally, Land Acquisition Collector ('LAC' for short) announced his award only for the land measuring 354.50 acres. Land measuring 78.10 acres was acquired from the revenue estate of Jagadhri and 1.86 acres from the revenue estate of village Jaroda. Similarly, 67.09 acres was acquired from the revenue estate of village Gulab Nagar and 207.45 acres from the revenue estate of village Bhatauli. Purpose of acquisition was for developing Sectors 22, 23 and 24 by Haryana Urban Development Authority, Jagadhri. LAC vide his different awards of even date i.e. 16.07.2007 awarded the amount of Rs.24,00,000/- per acre for prime land, Rs.20,00,000/- per acre for the area within municipal limits and Rs.10,00,000/- per acre for the remaining land.

Dissatisfied, the land owners filed their objections under Section 18 of the Act and as a consequence thereof, very many land references were forwarded, which came to be decided by the learned reference Court vide different but identical awards including the one dated 10.02.2014. The learned reference Court enhanced the market value of the acquired land, at the uniform rate of Rs.1560/- per square meter, ignoring the belting system.

Both the parties felt aggrieved against the abovesaid impugned awards passed by the learned reference Court. State of Haryana filed about 300 appeals, seeking reduction in the amount of compensation granted to the land owners by the learned reference Court. Almost equal number of appeals were filed by the land owners, seeking further enhancement in the compensation for their acquired land.

So far as the appeals filed by the State are concerned, the same had already stood dismissed by this Court vide order dated 22.09.2014 passed in RFA No.7443 of 2014 (State of Haryana and another Vs. Ramesh Kumar and others). The order passed by this Court in Ramesh Kumar's case (supra) was further followed in RFA No.5096 of 2014 (The State of Haryana and another Vs. M/s Centum Finance Limited and another), decided on 15.10.2015.

Learned counsel for the appellants-land owners would submit that once this Court had already dismissed the appeals filed by the State vide order dated 22.09.2014 passed in Ramesh Kumar's case (supra) and that too, placing reliance on the earlier judgment of this Court dated 04.10.2012 passed in RFA No.1955 of 2005 (Swaran Singh Vs. State of Haryana and another), the same judgment in Swaran Singh's case (supra) deserves to be followed at the hands of this Court for deciding the appeals filed by the land owners as well. They would further submit that since there was a time gap of more than six years between the date of notification issued under Section 4 of the Act in Swaran Singh's case (supra) and the present acquisition, the land owners are entitled for the annual increase at the rate of 15% on cumulative basis. They seek only this much limited modification in the impugned award passed by the learned reference Court.

Per contra, learned counsel for the State vehemently contended that although it is a matter of record that this Court has followed the judgment of Swaran Singh (supra), while deciding Ramesh Kumar's case (supra), yet the said judgment in Swaran Singh's case (supra) cannot be followed for the purpose of deciding these appeals of the land owners, it being distinguishable on facts. While referring to numerous sale instances produced by the land owners as well as by the State, learned counsel for the State would submit that once the sale instances were forming part of the acquired land itself, there could not have been any better piece of evidence and in such a situation, earlier judgment of this Court in Swaran Singh's case (supra) cannot be made the basis for assessing the market value of the acquired land. In support of his contentions, learned counsel for the State would place reliance on the judgments of the Hon'ble Supreme Court in **Ram Kanwar and others Vs. State of Haryana and another, 2015 (1) RCR (Civil) 234** as well as of this Court in **State of Haryana Vs. Seema Rani and others** passed in **RFA No.6 of 2008, decided on 08.12.2008** and **Hanuman Singh Vs. State of Haryana and others, 2016 (1) RCR (Civil) 331.** He prays for dismissal of all these appeals filed by the land owners.

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 keeping in view the peculiar facts and circumstances of the cases in hand, the appeals filed by the land owners deserve to be partly allowed, suitably enhancing the amount of compensation for their acquired land. To say so, reasons are more than one, which are being recorded hereinafter.

Learned counsel for the State has raised a valid argument referring to the findings recorded by the learned reference Court in para 29 of the impugned award, contending that the findings recorded was factually incorrect. This argument raised by learned counsel for the State has been found justified and worth acceptance. It is so said because the learned reference Court has ignored the sale instances produced on record by both the parties, pointing out two reasons; firstly that the sale instances were of different village and secondly that the sale exemplars were pertaining to small portions of land. Both these reasons given by the learned reference Court in the impugned award have been found contrary to the record, hence factually wrong. There were numerous sale deeds placed on record by both the parties, which were pertaining to the land of same villages, whose land was acquired. It is also correct that many sale deeds relied upon by the State were forming part of the acquired land. In such a situation, the judicial precedent including the judgment of this Court in Swaran Singh's case (supra) would not have been given preference in the normal circumstances.

However, since this Court had already dismissed the numerous appeals filed by the State against the same very award passed by the reference Court which is under challenge herein, vide order dated 22.09.2014 passed in Ramesh Kumar's case (supra), while relying upon the judgment of this Court in Swaran Singh's case (supra), the argument raised by learned counsel for the State, in fact, is not even available to him and the same cannot be accepted. It is so said because if the argument raised by learned counsel for the State is to be accepted and the sale instances relied upon by both the parties are to be considered, for assessing the market value of the acquired and as a consequence thereof, if the market value would be found on much lower side, which is bound to be, still the compensation awarded cannot be reduced because of the abovesaid order passed by this Court in Ramesh Kumar's case (supra). These would be two self-contradictory orders passed in two sets of appeals arising out of the same acquisition. Such an order would neither be desirable nor in the interest of justice.

It is also a matter of record that the order dated 22.09.2014 passed by this Court in Ramesh Kumar's case (supra) has further been followed by this Court in its later order dated 15.10.2015 passed in M/s Centum Finance Ltd.'s case (supra). Once these two orders dated 22.09.2014 passed by this Court in Ramesh Kumar's case (supra) and the one dated 15.10.2015 passed in M/s Centum Finance Ltd.'s case (supra) are staring in the face, this Court is left with no other option except to follow the earlier judgment in Swaran Singh's case (supra) for the purpose of deciding these appeals as well. It is also pertinent to note here that the order dated 22.09.2014 passed by this Court in Ramesh Kumar's case (supra) has become final because no SLP has been filed by the State of Haryana before the Hon'ble Supreme Court against this order.

So far as the judgments relied upon by learned counsel for the State are concerned, there is no dispute about the law laid down therein. However, on close perusal of the cited judgments, none of them has been found of any help to learned counsel for the State, these 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 even one additional fact or circumstance can make a 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.**

As far as the location and potentiality of the acquired land is concerned, it is duly established on record by way of more than one site plans available on the LCR. After the earlier acquisition in Swaran Singh's case (supra), the acquired land had come within the municipal limits, whereas the land in Swaran Singh's case (supra) was not within the municipal limits. As per the site plan, only a road was dividing these two portions of land, one acquired in Swaran Singh's case (supra) and the instant acquisition. Both these portions of land were facing each other across the road. The acquired land was surrounded by already developed area including residential and commercial establishments namely Satsang Vihar, Atma Nagar, Jai City, Omaxe Town, Anshal Township, Chhabra Nursing Home, Parshu Ram Public School, Gideon School, Polytechnic Institution, Yamuna Gases Structures and Bhakra Board Colony. In view of these material and undisputed facts available on record about the location of the acquired land, it can be held without any hesitation that the acquired land was having great potentiality.

In view of what has been discussed hereinabove, this Court is of the considered view that judgment of this Court in Swaran Singh's case (supra), which has already been followed by this Court twice over, while deciding identical appeals arising out of the instant acquisition itself, same judgment deserves to be followed again. It is undisputed that the learned reference Court has assessed the market value following the judgment of this Court in Swaran Singh's case (supra) in the form of Ex.P66, available at page 1213 of LCR, at the rate of Rs.1560/- per square meter. The impugned award is liable to be modified only to the limited extent, it did not grant the benefit of annual increase to the land owners-appellants herein, for the time gap of about six years. This is the only prayer made on behalf of the land owners, which has been found factually correct and legally justified.

The notification under Section 4 of the Act in Swaran Singh's case (supra) was issued on 28.04.1999, whereas in the present case, it was issued on

30.05.2005, thus, there was a time gap of more than six years, to be precise, six years and one month. Since the acquired land was admittedly within the municipal limits and was surrounded by already developed area, it was certainly a semi-urban area and the acquired land was no more a simple agricultural land. In such a situation, in view of the law laid down by the Hon'ble Supreme Court in **The General Manager, Oil and Natural Gas Corporation Ltd. Vs. Rameshbhai Jivanbhai Patel and another, 2008 (14) SCC 745** and **Ashok Kumar and others Vs. State of Haryana and others, 2015 (3) Scale 242**, the land owners would be entitled to 15% annual increase, on cumulative basis, for this time gap of six years. Granting this benefit of 15% annual increase on cumulative basis, for a period of six years, on the abovesaid market value of Rs.1560/- per square meter, the amount would come to Rs.3609.85 per square meter, which is rounded off to Rs.3610/- per square meter.

So far as the issue of granting the benefit of annual increase for a period of more than five years and in the present case it being for six years, is concerned, an earlier judgment of this Court dated 26.03.2014 passed in RFA No.5626 of 2010 (State of Haryana and others Vs. Murti Devi and another), wherein the benefit of annual increase was granted for a period of 10 years and 03 months, came to be upheld by the Hon'ble Supreme Court vide its order dated 22.08.2014 passed in SLP No.20531 of 2015 (Narbadi Devi and others Vs. State of Haryana and others).

The relevant observations made by this Court in **Murti Devi**'s case (supra), placing reliance on the earlier judgment of the Hon'ble Supreme Court in **Om Parkash (D) by LRs and others Vs. Union of India and another, 2004 (10) SCC 627**, read as under: -

"It has been held in ***'Om Parkash (D) by LRs and others versus Union of India and another' The Punjab Law Reporter Vol. CXXXVIII (2004-3), 727****, wherein it was held as under:-*

> *"In the circumstances, the High Court was justified in working out the fair market value of the lands in question on the basis of Rs. 16,750/- per bigha as on 30.10.1963. The High Court noticed that in several judgments of this Court escalation at different and varying rates i.e. 6% per annum from 1959 to 1965, @ 10% per annum for every year from 1966 to 1973 and @ 12% per annum from 1975 had been considered to be reasonable increase to arrive at the fair market value, assuming that the pace of escalation during this period was normal for the entire period from 1959 onwards. Since no material was placed on record to show that there was any abnormality during the period, the High Court applied the same principle to the facts and circumstances before it, and accepted increase of 10% every year progressively from 1963 to 1973 and thereafter @ 12% every year progressively upto the date of acquisition. The High Court noticed in the judgment that if escalation is allowed on the basis, the fair market value, would be Rs. 1,28,889/- per bigha. In case progressive increase is allowed @ 10% for the entire period, the amount will work out to Rs. 1,08,397/- per bigha. Allowing appreciation @ 12% per annum from 1963 to 1983, the amount would work*

out to Rs. 56,11/- per bigha. The High Court in its judgment under appeal pointed out that the market value of Rs. 16,750/- per bigha fixed in the case of Dharambir and others v. Union of India was not in respect of commercial land but only of agricultural land. That the market value of agricultural land is much lower than that of land suitable for commercial purposes, is trite. After having worked out the market value of the lands on various bases and keeping in view the fact that between 8.12.1992 and 2.6.1983, the lands in question had at least some commercial potentiality, the High Court decided that the fair market value of all categories of lands situated in the villages in question as on the date of acquisition should be fixed at Rs. 82,225/- per bigha."

Thus, the claimants are entitled to receive market value of the land as assessed by the Apex Court at the rate of ` 325/- per square yard + 12% increase per year for 10 years and 3 months."

The relevant part of the order dated 22.08.2014 passed by the Hon'ble Supreme Court in Narbadi Devi's case (supra), reads as under: -

"From the impugned judgment of the High Court, it transpired that the High Court has followed the judgment of this Court in Asharfi and others Vs. State of Haryana and others 2013 (5) SCC 527 and has given increase at the rate of 12%. This was the demand of the petitioners herein which has been accepted following the ratio in Asharfi case (supra). To the extent there is no quarrel. However, it

is pointed out by the learned counsel for the petitioner that in Asharfi case (supra), yearly increase of 12% was granted cumulatively and not at flat rate. This position as contained in Asharfi case (supra) could not be disputed by Mr. Narender Hooda, learned counsel for the State. Accordingly, the order of the High Court is modified to the extent that the 12% increase granted by the High Court shall be worked out on cumulative basis."

As far as the question of imposing any particular percentage of cut on the abovesaid market value of Rs.1560/- per square meter, assessed in Swaran Singh's case (supra) is concerned, the same is not warranted because of the peculiar facts and circumstances of the case noticed hereinabove, including the location and potentiality of the acquired land. In fact, imposing 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 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. 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 of this Court in paras 12 & 13 of its judgment in **Harbans Singh**'s case (supra), which can be gainfully followed in the present case, 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 small 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."*

There is yet another strong reason for not imposing any cut on the abovesaid market value. As a matter of fact, reasonable cut had already been applied by this Court, while deciding Swaran Singh's case (supra) and the land acquired in Swaran Singh's case (supra) was undisputedly situated just across the road in front of the acquired land in this matter. It is also undisputed between the parties that judgment of this Court rendered in Swaran Singh's case (supra) had already been upheld by the Hon'ble Supreme Court. Thus, another cut for the second time cannot be applied. The argument raised by learned counsel for the State in this regard has been duly considered but found wholly misplaced.

Let it be specifically recorded here that no other better evidence or any 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 the land owners 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 at the uniform rate of Rs.3610/- per square meter, 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 322 appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
24.02.2016 **JUDGE**
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