

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

**RFA No.5073 of 2014 and other connected matters
Date of decision: 03.03.2016**

**HSIDC (now Haryana State Industrial & Infrastructure Development
Corporation Ltd. through its Division Town Planner) and another**

... Appellants

Vs.

Nand Lal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Naveen Mandhan, Advocate for
Mr. Pankaj Bali, Advocate
for the appellant(s) (in RFA Nos.2187, 8823, 10334 of 2014)

Mr. Parveen Sharma, Advocate for
Mr. Arvind Singh, Advocate
for the appellant(s) (in RFA Nos.5579, 5580 of 2014) and
for the respondent(s) (in RFA Nos.5074, 5080 of 2014)

Mr. Sumeet Goel, Advocate
for the appellant(s) (in RFA No.5651 of 2015) and for the
respondents No.2, 3, 4, 6 to 8, 12 & 13 (in RFA No.5073 of 2014)

Mr. Ashish Gupta, Advocate
for the appellant(s) (in RFA No.6128 of 2014) and
for the respondents No.1, 9, 10 & 11 (in RFA No.5073 of 2014)

Mr. Kulwant Singh, Advocate
for the appellant(s) (in RFA No.543 of 2014) and
for the respondents No.1 to 12 (in RFA No.5078 of 2014)

Mr. Pritam Singh Saini, Advocate
for HSIIDC.

None for the appellant(s)(in RFA Nos.6323 of 2014)

Mr. Arun Beniwal, DAG, 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.

Instant bunch of 17 appeals, out of which 08 appeals bearing Regular First Appeal Nos.5073 to 5080 of 2014 filed by Haryana State Industrial and Infrastructure Development Corporation ('HSIIDC' for short) and remaining 09 appeals bearing Regular First Appeal Nos.543, 2187, 5579, 5580, 6128, 6323, 8823, 10334 of 2014 & 5651 of 2015 filed by the land owners, is being decided vide this common order, as all these appeals arise out of the same acquisition and raise identical questions of law and facts. However, with the consent of learned counsel for the parties and for the facility of reference, facts are being culled out from RFA No.5073 of 2014 (Haryana State Industrial and Infrastructure Development Corporation Ltd. and another Vs. Nand Lal and others).

State of Haryana sought to acquire land measuring 101 acres, 07 kanal and 18 marla, out of the revenue estate of village Begumpur, Tehsil Gharaunda, District Karnal, at public expenses for public purpose namely; for development of an industrial estate by HSIIDC. Accordingly, notification dated 25.01.2006 was issued under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short), which was followed by notification dated 07.11.2006 under Section 6 of the Act. Land Acquisition Collector ('LAC' for short), vide his award No.5 dated 21.10.2008 assessed the market value of the acquired land at the uniform rate of Rs.16,00,000/- per acre. Dissatisfied with the amount of compensation awarded by the LAC, land owners filed their objections under Section 18 of the Act and as a consequence thereof, as many as 08 land references came to be decided by the learned reference Court, vide its common

impugned award dated 21.10.2013, assessing the market value of the acquired land at the rate of Rs.28,65,500/- per acre (Rs.592.045 per square yard).

Both the parties felt aggrieved against the abovesaid impugned award passed by the learned reference Court. Beneficiary department i.e. HSIIDC has filed 08 appeals seeking reduction in the amount of compensation awarded by the learned reference Court, whereas the land owners, by way of their remaining 09 appeals, are seeking further enhancement in the amount of compensation for their acquired land. That is how, these 17 appeals are being decided together.

Learned counsel for the parties are ad idem that the instant set of appeals would be squarely covered by the order passed today by this Court in **RFA No.4694 of 2014 (Tara Chand and others Vs. State of Haryana and others)**. However, learned counsel for the land owners would contend that over and above what has been granted by this Court in **Tara Chand's** case (supra), the land owners in the instant acquisition shall be entitled for the benefit of annual increase for the time gap between these two acquisitions. Learned counsel for the beneficiary department i.e. HSIIDC also could not deny this fact and rightly so, it being a matter of record.

In view of the above undisputed fact situation, further details need not be recorded, as the present set of appeals have been found squarely covered by the order passed today by this Court in **Tara Chand's** case (supra). Date of notification under Section 4 of the Act in **Tara Chand's** case (supra) was 30.06.2005, whereas in the present case, it is 25.01.2006, thus, there is a time gap of more than six months. In view of the settled proposition of law, the land owners in the present set of appeals would be entitled for the benefit of 12% annual increase for this time gap of six months.

Granting the benefit of 12% annual increase for the time gap of six months on the abovesaid market value of Rs.904/- per square yard, assessed by this Court in **Tara Chand's** case (supra), the market value comes to Rs.958.25, which is rounded off to Rs.959/-per square yard. Accordingly, the land owners are held entitled to receive the amount of compensation at the uniform rate of Rs.959/- per square yard for their acquired land, from the date of notification under Section 4 of the Act.

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

Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that so far as the appeals filed by the beneficiary department i.e. HSIIDC are concerned, the same have been found wholly misconceived, bereft of merit and without any substance, thus, these must fail and are hereby dismissed. The appeals filed by the land owners deserve to be partly accepted and the same are allowed to the extent indicated above. The land owners are held entitled to receive the compensation for their acquired land at the rate of Rs.959/- per square yard, from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled to all the statutory benefits available to them, under the relevant provisions of the Act.

Resultantly, with the observations made above, all these 17 appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.

03.03.2016
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[**RAMESHWAR SINGH MALIK**]
JUDGE