IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Review Application No. 397-CI of 2016 (O&M) in
RFA No. 2543 of 2007
Date of decision: November 21, 2016

M/s Kundli Textiles (P) Ltd.

.. Applicant/ appellant

v.

State of Haryana and another

.. Non-applicants/ respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vivek Sethi, Advocate for the applicant(s).

Mr. Ankur Mittal, Addl.Advocate General, Haryana.

Mr. Vishal Garg, Advocate for HSIIDC.

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Rajesh Bindal J.

1. This order will dispose of a bunch of Review Applications No. 397-CI to 401-CI and 413-CI of 2016, as common questions of law and facts are involved.

2. The cases pertain to determination of compensation for acquisition of land, where notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 14.10.1996, vide which State of Haryana sought to acquire 68 kanals and 12 marlas of land, situated in village Kundli, Hadbast No. 55, Tehsil and District Sonepat for development as Industrial Estate. The same was followed by notification dated 4.6.1997, issued under Section 6 of the Act. The Land Acquisition

Collector (for short, 'the Collector'), vide award dated 18.11.1998, assessed the market value of the acquired land @ ₹ 2,75,000/- per acre.

3. Dissatisfied with the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below assessed the market value of the acquired land @ ₹ 3,50,000/- per acre.

4. Still aggrieved, the land-owners as well as Haryana State Industrial & Infrastructure Development Corporation Ltd. (for short, 'HSIIDC') filed appeals in this Court. In the appeals filed by the land owners, they were seeking further enhancement of compensation for the acquired land, whereas in the appeals filed by HSIIDC, the prayer was for reduction thereof. This Court in RFA No. 1854 of 2002—Bhim Sain Juneja v. State of Haryana and others, decided on 3.11.2015, assessed the market value of the acquired land @ ₹ 10,40,000/- per acre.

5. The judgment of this court was challenged by the land owners by filing Special Leave to Appeal (C) No. 8909 of 2016—M/s Royal Agro Industries v. State of Haryana and another, and other connected cases, which were dismissed as withdrawn, vide order dated 12.5.2016, with liberty to file review applications. Thereafter, the applicants/land owners have filed the present review applications.

6. Learned counsel for the applicants submitted that though a portion of the land acquired vide notification in question is located on GT Road, however, at the time of assessment of value, only for the land located beyond 4 acres from GT Road was assessed and not for the land abutting the GT Road. The same is required to be assessed.

7. It was further submitted that measurement of 4 acres depth has

not been specifically provided in feets or yards. The same needs clarification. The submission is that the road has not been constructed along with killa line, rather, killas have been cut across by the road. Calculation of compensation by taking the depth upto 4 acres from the road will be very difficult, as it will go diagonally in every killa. A straight line be permitted at the next killa line after 4 acres.

8. It was further submitted that as the area all around was already fully developed, in fact the entire land should have been assessed at the same rate instead of belting system. Sale deeds (Exs. P.24 and P.25), which were pertaining to the acquired land, should have been relied upon as against sale deed (Ex. P.31) and increase thereon should have been granted for the time gap. The rates at which the plots were being sold by HSIIDC were required to be taken into consideration and the pace at which the same were increased. There was lot of pressure on the land in that area on account of shifting of industries from Delhi.

9. On the other hand, learned counsel for the respondents submitted that the applicants had mis-stated the facts before Hon'ble the Supreme Court. No part of the land acquired vide notification in question is located on GT Road, hence, the question of measurement from GT Road does not arise. No other arguments can be considered, as these go beyond the scope of review jurisdiction. The entire case was not to be re-heard.

10. Heard learned counsel for the parties and perused the paper book.

11. Against the judgment of this court assessing the compensation, the land owners preferred Special Leave Petitions before Hon'ble the Supreme Court, which were dismissed as withdrawn on 12.5.2016 noticing

their contention that value of the land abutting GT Road had not been assessed and further distance could not be measured in acres, yet this court had used the said unit for determining the distance of land for the Highway. The submissions made by learned counsel for the land owners were to be considered in accordance with law. Review jurisdiction of this court has been invoked, which has its limited scope. The judgment of this court was not set aside as the Special Leave Petitions were dismissed as withdrawn, hence, the only error apparent on record could be considered. Re-appraisal of evidence may not be possible.

12. As regards assessment of value of land abutting GT Road is concerned, the fact is not in dispute as had even been noticed in the judgment of this court that the land in the present case is not abutting GT Road. Hence, to that extent, there is no error in the judgment. The value of the land located beyond 4 acres was assessed by this court @ ₹ 10,40,000/- per acre. Once the land located close by on GT Road is being assessed @ ₹ 20,00,000/- per acre, vide separate order of even date in Review Application No. 173-CI of 2016—Bhim Singh and others v. State of Haryana and another, where notification under Section 4 of the Act was issued on 5.8.1997, there cannot be variation of about 50% for the land located beyond that, hence, even applying thumb rule, value of the land located beyond 4 acres is also required to be re-assessed. In my view, a cut of 30% deserves to be applied on account of location of land and additional cut of 10% is required on account of the fact that acquisition in the case in hand was 10 months prior in time. As a consequence, the value of acquired land is assessed @ ₹ 12,00,000/- per acre in the present case. The applicants-landowners shall also be entitled to all statutory benefits available under the

Act.

13. As far as other contentions raised by learned counsel for the applicants are concerned, those will not fall within the review jurisdiction, as all the contentions had already been considered while deciding the appeals.

14. To sum up, the value of the acquired land is assessed @ ₹ 12,00,000/- per acre. The applicants-landowners shall also be entitled to all statutory benefits available under the Act.

15. The review applications are disposed of accordingly.

(Rajesh Bindal)
Judge

November 21, 2016
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No