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

RFA No.3491 of 2013 (O&M)
Date of Decision : 26.04.2017

Smt. Indirawati alias Indira Devi and others

......Appellants

Versus

State of Haryana through Collector, Rohtak and others

...... Respondents

and other connected matters:

Filed By	Numbers	Total
State of Haryana	RFA Nos.4680 to 4708 of 2010, 1220 to 1232 of 2009, 1234, 1274 to 1278 of 2009, 5163 of 2008,	49
Cross objectors	XOBJR-68-CI-2011 in RFA-4686-2010, XOBJR-47-CI-2011 in RFA-4685-2010, XOBJR-53-CI-2011 in RFA-4691-2010, XOBJR-46-CI- 2011 in RFA-4693-2010, XOBJR-63-CI-2011 in RFA-4694-2010, XOBJR-49-CI-2011 in RFA-4695-2010, XOBJR-48-CI-2011 in RFA-4697-2010, XOBJR-55-CI-2011 in RFA-4698-2010, XOBJR-56-CI-2011 in RFA-4700-2010, XOBJR-44-CI-2011 in RFA-4702-2010, XOBJR-45-CI-2011 in RFA-4704-2010, XOBJR-57-CI-2011 in RFA-4705-2010, XOBJR-54-CI-2011 in RFA-4708-2010, XOBJR-64-CI-2011 in RFA-4687-2010, XOBJR-335-CI-2016 in RFA-1221-2009, XOBJR-336-CI-2016 in RFA-1222-2009, XOBJR-347-CI-2016 in RFA-1226-2009, XOBJR-333-CI-2016 in RFA-1229-2009, XOBJR-343-CI-2016 in RFA-1230-2009, XOBJR-332-CI-2016 in RFA-1231-2009, XOBJR-342-CI-2016 in RFA-1232-2009, XOBJR-334-CI-2016 in RFA-1276-2009, XOBJR-11-CI-2015 in RFA-1277-2009, XOBJR-12-CI-2015 in RFA-1277-2009, XOBJR-58-CI-2011 in RFA-4701-2010, XOBJR-60-CI-2011 in RFA-4706-2010, XOBJR-18-CI-2017 in RFA-4706-2010, XOBJR-337-CI-2016 in RFA-1220-2009	28
Claimants/ Landowners	RFA No.6912, 6913, 6946, 6947, 7232 of 2012, 2808, 413 to 418, 3337, 4309, 5374, 5375 of 2013, 578 of 2014, 4106 to 4109 of 2006 and 1743 of 2007	22

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : **For the claimants/landowners**
Mr. Sandeep Parkash Chahar, Advocate;
Ms. Anita Balyan, Advocate;
Mr. Sandeep Sharma, Advocate;
Mr. Kulvir Narwal, Advocate;
Mr. Sandeep Singal, Advocate;

For the State of Haryana

Mr. Sudeep Mahajan, Addl. A.G. Haryana with
Mr. Abhinash Jain, AAG, Haryana.

ARUN PALLI, J. (Oral)

Vide this order and judgment I shall decide a batch of 72 appeals and 28 cross objections of which 49 appeals have been preferred by the State of Haryana and the rest 23 appeals and cross objections have been filed by the landowners. For, the matter arises out of the same acquisition and the questions that require determination in all these appeals are common, these are being decided by a common judgment. However, by consensus the facts are being culled out from **RFA No.3491 of 2013** (Smt. Indirawati alias Indira Devi and others Vs. State of Haryana through Collector, Rohtak and others).

2. Vide notification dated 17.04.2001, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), the land situated in 7 different villages such as Kharawar (21.06 acres hadbast No.40), Gandhra (5.08 acres hadbast No.44), Ismaila 9 biswa (16.60 acres hadbast No.38), Ismaila-11 biswa (09.93 acres hadbast No.37), Sampla (19.69 acres hadbast No.36), Kheri Sampla (2.14 acres hadbast No.34) and Garhi Sampla (4.58 acres hadbast No.35), Tehsil and District Rohtak, was sought to be acquired for four laning of National Highway No.10 from kilometer 49.00 to 63.500.

Final declaration under Section 6 was published on 8.8.2001. The Land Acquisition Collector, vide award No.6R dated 10.10.2002, assessed the value of the land situated in village Kharawar at ₹3,00,000/- lacs per acre, vide award Nos.3R and 4R dated 12.06.2002, the land situated in village Ismaila 9 biswa and Ismaila 11 biswa was also assessed at the same rate i.e.₹ 3,00,000/- per acre, vide award Nos.1R dated 24.04.2002, 11R dated 25.03.2002 and 12R dated 25.03.2002, land situated in village Sampla, Kheri Sampla and Garhi Sampla was assessed at ₹3,25,120/- per acre, and vide award No.2R dated 24.04.2002 land situated in village Gandhra was assessed at ₹3,00,000/- per acre. Being aggrieved by the assessment and the compensation awarded by the Collector, the claimants filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Civil Court. On a consideration of the matter in issue and the evidence on record, the reference Court vide identical awards, though, rendered on different dates, enhanced the compensation qua the land situated in village Kharawar, Ismaila 9 biswa and Ismaila 11 biswa to ₹7,87,000/- per acre. Whereas, the land that formed part of the revenue estate of village Sampla, Kheri Sampla and Garhi Sampla, the compensation was enhanced to ₹6,50,000/- per acre. But the land references as regards village Gandhra were dismissed vide award dated 5.4.2006. What forms basis of the assessment as regards the land situated in village Kharawar, Ismaila-9 biswa and Ismaila-11 biswa is the sale deed dated 24.04.1997, vide which, a site situated in village Ismaila was alienated at ₹5,00,000/- per acre. And for the time difference between the date of execution of the said sale deed and the issuance of notification dated 17.04.2001, under Section 4, the reference Court awarded 12% annual increase. Accordingly, the compensation was assessed at ₹7,87,000/- per acre. In so far as village Sampla, Kheri Sampla and Garhi Sampla, the reference Court relied upon an award dated 15.09.2010 (Ex.P3) vide which the land situated in village Garhi Sampla itself was assessed at ₹6,50,000/- per acre. That is how, as indicated above, both the parties are in appeal before this Court. Of course, the State appealed to set aside the impugned award(s) whereas the claimants seek further enhancement.

3. Mr. Sandeep Chahar, learned counsel for the claimants refers to an order and judgment dated 28.01.2016, rendered by this Court in RFA No.1838 of 2011 (State of Haryana and others Vs. Ramphal) and other connected matters, vide which this Court, had assessed the value of the land, acquired for construction of bye-pass for Rohtak City, situated in 5 different villages; (1) Sunaria Khurd (2) Dobh (3) Karor (4) Mayana and (5) Kharawar at ₹15,52,500/- per acre. He submits that all these five villages are situated in Tehsil and District Rohtak and village Kharawar is the common factor in both the acquisitions. He submits that since the decision rendered by this Court, referred to above, was not assailed by the State any further, it has thus, attained finality. And, for, the notifications under Section 4 in the case of Ramphal (supra) was issued on 13.08.2001, and in the present proceedings on 17.04.2001, there was/is hardly any time difference between the two. Further, he submits that although the acquired land is situated in 7 different villages, but all these villages are contiguous and abut the N.H.10. And since the entire land is similar in nature, and is being acquired for a common purpose, all the landowners even in these appeals are entitled to the same compensation, as awarded by this Court in the case of Ramphal

(supra). And, in support of his contention, learned counsel for the claimants has placed reliance upon the decision of the Supreme Court in **Ali Mohammad Beigh and others Vs. State of J&K 2017 SCC Online SC 261 and Chander Bhan (D) by LRs and others VS. Union of India**.

4. Per contra, Mr. Sudeep Mahajan, learned Additional Advocate General, Haryana submits that the reference Court erred in awarding enhancement to the claimants, for, the assessment arrived at by the Collector as regards the value of the acquired land was fair and justified. Further, He submits that the reference Court had relied upon a sale deed dated 24.04.1997 that was executed at the rate of ₹5,00,000/- per acre and by awarding 12% annual increase, the compensation was assessed at ₹7,87,000/- per acre. Whereas, on the contrary, the reference Court had itself concluded that the sale deeds Ex.P3, Ex.P4 and Ex.P5, dated 30.04.1996 and 23.08.1995 were executed at the rate of ₹5,50,000/- per acre, and a year later, a sale deed dated 24.4.1997 was executed @ ₹5,00,000/- per acre, which showed that the market value of the land had rather declined at the time of publication of notification under Section 4. Thus, he submits that having reached a conclusion that the property prices had dropped after 24.04.1997 due to recession there was hardly any basis to still award 12% annual increase to determine the value of the acquired land. As regards the judgment rendered by this Court in the case of Ramphal (supra) it is not disputed that the said decision has since become final and a part of the land situated in village Kharawar was also under acquisition in those proceedings. However, he submits for the said land was agriculture in nature, the value thereof, could never be assessed by awarding 15% annual increase. Thus, he

questions the assessment as regards value of the land situated in village Kharawar, by this Court in the case of Ramphal (supra). And, in reference to the decision of the Supreme Court in the case of **The General Manager, Oil & Natural Gas Corporation Ltd. Vs. Rameshbhai Jivanbhai Patel and another 2008 (4) R.C.R. (Civil) 487,** he submits that in the event the acquired land is agriculture in nature, the annual increase that at best could be awarded to assess its value was/is between 5% to 7.5% per annum. Further, and in the alternative, it is urged that even if the claimants whose land was situated in village Kharawar are awarded the same compensation as awarded to the landowners in the case of Ramphal (supra), still the land situated in the other villages could never be assessed at par therewith or at the same rate. Particularly, as value of the land situated in village Kharawar, in the case of Ramphal, was assessed at ₹15,52,500/- per acre owing to its proximity to the Rohtak City. In support of his contention he relies upon a decision of the Supreme Court in the case of **Haridwar Development Authority, Haridwar Vs. Raghubir Singh etc., 2010(2) JT 502**.

5. I have heard learned counsel for the parties and perused the records.

6. To recapitulate; the notification under Section 4 was published on 17.04.2001, vide which the land situated in 7 different villages such as Kharawar, Gandhra, Ismaila-9 biswa, Ismaila-11 biswa, Sampla, Kheri Sampla and Garhi Sampla, Tehsil and District Rohtak, was acquired for four laning of National Highway No.10 from Kilometers 49.00 to 63.500. And, vide another notification dated 13.08.2001, a land that formed part of the revenue estate of village Sunaria Khurd, Dobh, Karor, Mayana and

Kharawar, Tehsil and District Rohtak, was acquired for construction of bye-pass for Rohtak City. Thus, village Kharawar is the common factor in both the acquisitions. In fact, as is made out from the site plan (Annexure A-1), both the parcels of land, join at a common point. Concededly, this Court vide order and judgment dated 28.01.2016, rendered in the case Ramphal (supra) had uniformly assessed the value of the land acquired for construction of bye-pass at ₹15,52,500/- per acre. And, for the said decision was not assailed by the State any further, the same has since attained finality. Further there was hardly any time difference between the two notifications issued under Section 4 in both the proceedings. Significantly this is not the case of the State either that the land that was situated in village Kharawar and was acquired for construction of bye-pass was dis-similar in quality or location than the land, situated in the same revenue estate, under acquisition in these proceedings. Which is why even the learned State counsel would submit that even if the land situated in village Kharawar is assessed at the same rate and/or the claimants, in these proceedings, are awarded the same compensation as in Ramphal (supra), the land situated in rest of the villages, that were farther away from the town, could never be assessed at par therewith. The matter can be viewed from yet another perspective; vide sale deed dated 5.6.1996 (Ex.P2) a land situated in village Kharawar itself was alienated at the rate of ₹8,00,000/- per acre. There exist nothing on record to indicates that the sale consideration reflected in the sale deed Ex.P2 was either artificially inflated or overblown for any oblique purpose. In the absence of any cogent evidence *bona fide* of the said transactions could never be questioned. And rather, with 15% annual increase, on cumulative basis, upon the sale consideration reflected in sale deed Ex.P2, for a period of 5 years i.e. difference between the date of execution of the said sale deed and issuance of notification under Section 4, the value of the land works out to ₹ 16,09,085.75/- per acre.

Adverting, to the argument advanced by the learned State counsel; that this Court while assessing the value of the land, situated in village Kharawar, in the case of Ramphal could never award 15% annual increase and the claimants, at best, could be awarded an increase of 7.5% per annum cannot be countenanced. Concededly, value of the land that was acquired for construction of bye-pass for Rohtak City was assessed by this Court at ₹15,52,500/- per acre. And, the State never challenged the said decision. That being so, one wonders as to how, in these proceedings, the State could ever question the mode of determination or the evaluation process that preceded the compensation awarded by this Court in the case of Ramphal. Even otherwise the argument lacks conviction for the increase @ 15% per annum was awarded by this Court, since the acquired land in those proceedings was located on the outskirts of the Rohtak City, or was situated in close proximity to the municipal limits of the town. And, was thus held to be semi-urban in nature. In fact, the Supreme Court in the case of ONGC itself had observed that the general increase in the value of a land situated in urban/semi urban area is about 10 to 15%. Thus, the grievance being expressed by the learned State counsel is wholly misplaced.

In conspectus of the above, the only and the inevitable conclusion that could be reached is; that the claimants in these appeals, whose land was situated in village Kharawar, are also entitled to the same compensation as awarded to their co-landowners in the case of Ramphal (supra).

7. Albeit, in the wake of the conclusion arrived at in the preceding paragraph, the argument advanced by the learned State counsel; that the reference Court erred in awarding 12% annual increase to work out the value of the acquired land, with respect to the land situated in village Kharawar, has lost it's relevance. But, in all fairness to the learned State counsel, it still needs to be dealt with. For, the reference Court had awarded the same compensation i.e. ₹7,87,000/- per acre as regards the land situated in village Ismaila 9 biswa and Ismaila 11 biswa, after awarding the annual increase.

Undoubtedly, in reference to the sale deeds Ex.P3, Ex.P4 and Ex.P5, that were executed @ ₹5,50,000/- per acre and also the sale deed dated 24.04.1997, vide which, a year later, a site was alienated, at ₹5,00,000/- per acre, the reference Court did observe that value of the land had declined at the time of issuance of notification under Section 4. But what had apparently been over looked by the reference Court was that the notification under Section 4, in the present proceedings, was issued on 17.04.2001, that is, after 4 years of the execution of the sale deed dated 24.04.1997. Thus, the observations that the real estate market was in recession at the time of issuance of notification under Section 4 is palpably erroneous. Further, nothing was brought on record either, to show that even in the successive years i.e. 1998, 1999, 2000 and 2001 value of the land in the vicinity of the acquired land had de-escalated or remained static. And perhaps, which is why, dehors of the above observations, the reference Court awarded general increase @ 12% P.A.

8. It would be apposite to point out at this juncture that this is not a case where any contemporaneous sale instances/sale deeds, germane to the acquisition, in terms of time and location, were brought on record to assess the value of the land in each of these villages. Ironically, here is a case where the State led no evidence at all. As indicated earlier value of the land situated in village Kharawar, Ismaila-9 biswa and Ismaila-11 biswa was assessed on the basis of a sale deed, dated 24.4.1997, that was executed four years prior to the notification dated 17.04.2001, issued under Section 4. And, land references qua the land situated in village Gandhra were dismissed altogether. Whereas the compensation as regards the land situated in Sampla, Kheri Sampla and Garhi Sampla was assessed by placing reliance upon another award dated 15.9.2010 (Ex.P3), arising out of the same acquisition. But, in the current situation, the fact that assumes decisive significance is that all these villages are contiguous and adjacent to each other and abut on N.H. No.10. It is not the case of the State either that there is a dis-similarity in quality of land situated in each of these villages. Further, value, as regards land situated in village Kharawar has already been assessed at ₹15,52,500/- per acre, which is final and conclusive. **Thus, a short but a significant question that requires determination is; whether the land situated in the other 6 villages is also required to be assessed at the rate at which the land that formed part of the revenue estate of village Kharawar is evaluated or the land situated in each of these villages is required to be assessed separately?**

9. As indicated earlier in the case of Ramphal (supra), this Court had uniformly awarded compensation @ ₹15,52,500/- per acre for the acquired

land, situated in 5 different villages i.e. **(1) Sunaria Khurd (2) Dobh (3) Karor (4) Mayana and (5) Kharawar**. And, what indeed formed the basis of the assessment and the compensation granted to the claimant was;

> **"In view of the above, the only relevant piece of evidence available on record is sale deed Ex.PW2/C. The learned reference Court has rightly relied upon this sale deed but has proceeded on a wholly misconceived and illegal approach, while applying 1/3rd cut on the market value disclosed in this sale deed. It is so said because owing to the location and potentiality of the acquired land, no cut was warranted. The land of village Sunaria Khurd was situated on the outskirts of Rohtak city. As per the site plan available on the lower Court record, the land was situated very close to the municipal limits of Rohtak city. Since there is no dispute about the location and potentiality of the acquired land, the learned reference Court ought not to have applied any cut on the market value disclosed in the sale deed Ex.PW2/C".**

Village Kharawar:-

> **"Although the learned reference Court in para 15 of its impugned award, has referred to the undisputed location and potentiality of the acquired land of this village, yet positive determinative factors thereof, have been illegally ignored. RW1 while appearing before the Court had to admit in his cross-examination that the acquired**

land was surrounded by 10+2 school for girls and boys, veterinary hospital, apex school, four temples and a hotel towards the left side of National Highway No.10 in the area of village Khrawar He admitted that there were factories in the revenue estate of village Khrawar including Mohinder Fasteners, LPS, Bossar etc. He also admitted that village Ismaila and Khrawar were having similar facilities in all respect.

Thus, from the testimony of this material witness RW1, it can be safely concluded that the acquired land was situated at a very advantageous location and the same could have been developed for residential, industrial, educational and commercial purposes. Not only this, there were numerous sale instances available on the record and in such a situation, the learned reference Court ought to have granted the same amount of compensation to the land owners of this village which had been granted to the land owners of village Sunaria Khurd. In fact, if one goes strictly as per the exact topography of the area, acquired land from this village Khrawar seems to be on better footing, as it was situated on National Highway No.10".

Ex facie, in the case of Ramphal (supra) value of the land, situated in village Sunaria Khurd and Kharawar, was assessed owing to its proximity to the Rohtak City, and/or since, it was located close to the municipal boundaries. Which is why that was even held to be semi urban in nature. But such is not the position as regards the other six villages. It would be apposite to point out again that the purpose of acquisition, in the matter in hand, was four laning of N.H. No.10 from Kilometers 49.00 to 63.500. But what needs to be born in mind is that village Kharawar is situated on one end of the acquired land that adjoins the Rohtak City and village Sampla, is the opposite end towards Delhi. The total distance between Kharawar and Sampla, which is at the farthest end, is little more than 10 kilometers. And the revenue estate of village Gandhra, Ismaila-9 biswa and Ismaila-11 biswa fall in between these two ends. And even if the nature and quality of the entire land under acquisition is identical, yet there is a decisive and tangible dis-similarity between the land situated in each of these villages owing to their location in terms of distance or proximity to the Rohtak City. Undoubtedly, the acquired land abuts the National Highway No.10, but that would not entitle the claimants to seek higher value or compensation. For, the matter in hand is not a case of horizontal, but vertical belting of the land under acquisition.

10. There cannot be any quarrel with the proposition that if the acquired land is one compact block, is identical in nature and quality, the entire area within the acquired land is similarly located, and is acquired vide a same notification and for a common purpose, the entire land shall, necessarily, have to be assessed at the same rate. But is that the position in the matter in hand? The answer is no. Likewise, there cannot be any illusion as regards the ratio of law laid down by the Supreme Court in **Ali Mohammad Beigh (supra);**

> **13. "When the lands are more or less situated nearby and when the acquired lands are identical and similar and the acquisition is for the same purpose, it would not be proper to discriminate between the land owners unless there are strong reasons. In Union of India v. Bal Ram (2010) 5 SCC 747, this Court held that if the purpose of acquisition is same and when the lands are identical and similar though lying in different villages, there is no justification to make any discrimination between the land owners to pay more to some of the land owners and less compensation to others"**.

Ex facie, the aforesaid decision has no bearing on the matter in hand. No doubt in the said case, the land under acquisition was also situated in three different villages i.e. Chandapora, Bhagichandpora and Pazwalpora. But the distance between all the three villages was not much. And even centre to centre distance between these villages was less than half a kilometer. Further, the observations that need to be noticed are; ***"It would not be proper to discriminate between the land owners unless there are strong reasons". And, when the lands are identical and similar though lying in different villages"***

Likewise in **Chander Bhan (d) by LRs and others (supra)** the Court observed;

> **12. "The impugned judgments passed by the Delhi High Court are contrary to another binding decision of this Court in Nand Ram Vs. The State of Haryana wherein this Court has held that the State cannot refuse to award the just compensation by not determining correct market value**

and that it has got an obligation to pay the same compensation to all land owners whose land were acquired under the same notification for the same purpose, and not paying similar compensation when all other relevant factors are the same, would amount to discrimination”.

Again, what needs to be noticed is that in the decision cited above the land situated in four different villages was acquired i.e. Sadhora Kalan, Wazirpur, Azadpur and Malikpur Chawani. And, while assessing the value of the land situated in village Wazirpur the Court had relied upon the sale instances of the adjacent villages such as Yaqutpur, Azadpur, Sadhora Kalan and Malikpur Chawani itself which is why, the Supreme Court said that High Court ought to have awarded the same compensation to all the landowners. Further the observation; ***“when all other relevant factors are the same”*** distinguish the matter in hand from the said case. Thus, in the wake of the above, the argument advanced by learned counsel for the claimants that the entire land under acquisition is required to be assessed at ₹15,52,500/- per acre or the landowners even as regards the other six villages are entitled to be granted the same compensation, cannot be countenanced.

11. **Now if the land situated in the other six villages cannot be assessed at the same rate at which the land situated in village Kharawar was evaluated, than what would be the suitable mode or the safest option to work out the value of the land situated in each of these villages, is the question?**

To my mind the answer squarely lies in the decision of the Supreme Court in **Haridwar Development Authority (supra)**. For, while considering an identical issue, in a similar situation, it was concluded; whether the acquired lands have to be valued uniformly at the same rate or whether the different areas in the acquired land have to be valued at the different rates, depends upon the extent of the land acquired, the location, proximity to an access road/main road/highway or to city/town/village, and other relevant circumstances:-

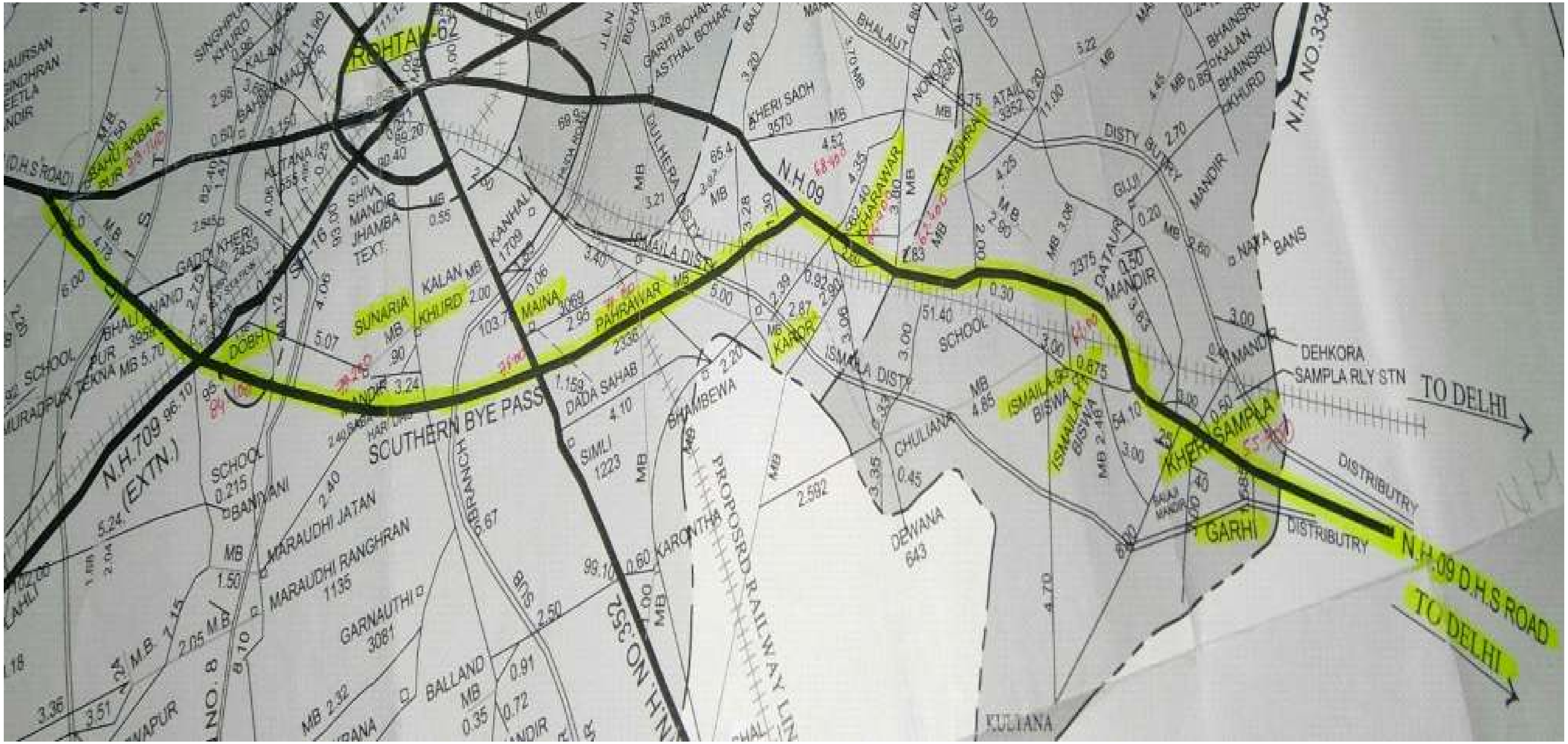
> **(A) "When a small and compact extent of land is acquired and the entire area is similarly situated, it will be appropriate to value the acquired land at a single uniform rate.**
>
> **(B) If a large tract of land is acquired with some lands facing a main road or a national highway and other lands being in the interior, the normal procedure is to value the lands adjacent to the main road at a higher rate and the interior lands which do not have road access, at a lesser rate.**
>
> ***(C) Where a very large tract of land on the outskirts of a town is acquired, one end of the acquired lands adjoining the town boundary, the other end being two to three kilometers away, obviously, the rate that is adopted for the land nearest to the town cannot be adopted for the land which is farther away from the town. In such a situation, what is known as a belting method is adopted and the belt or strip adjacent to the town boundary will be given the highest price, the remotest belt will be awarded***

the lowest rate, the belts/strips of lands falling in between, will be awarded gradually reducing rates from the highest to the lowest.

(D) Where a very large tract of land with a radius of one to two kilometers is acquired, but the entire land acquired is far away from any town or city limits, without any special Main road access, then it is logical to award the entire land, one uniform rate. The fact that the distance between one point to another point in the acquired lands, may be as much as two to three kilometers may not make any difference".

A bare analysis of the illustration A, B, C and D leads to an irresistible conclusion that the matter in hand is in sync with illustration C. For, the Supreme Court observed where a large tract of land is acquired on the outskirts of town and one end of the acquired lands abuts the town boundary and the other end being 2 to 3 kilometers away, obviously, the rate that shall be awarded for the land nearest to the town cannot be granted for the land which is farther away from the town. And, in such a situation one needs to resort to a belting method and a strip or a belt that is adjacent to the town boundary will be given the highest price and the remotest belt will be awarded the lowest rate. However, the belts/strips of land falling in between will be awarded gradually reduced the rates from highest to the lowest.

12. **What is the position in the present case?** It would be apposite to refer to the graphical representation of the acquired land as depicted in the site plan (Annexure A-1) and the different villages it forms part of.



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authenticity of this document

A bare analysis of the site plan (Annexure A1) read with the document (Annexure A2), brought on record by the State, reveals that village Gandhra is 4 kilometers away from Kharawar, Ismaila-11 biswa and Ismaila-9 biswa are located at a distance of 1.40 kilometers from Gandhra, and rest of the three villages that is Sampla, Kheri Sampla and Garhi Sampla are located at 5.10 kilometers from Ismaila. The advantage that I have in the matter in hand is that value of the land that is situated in village Kharawar, that adjoins the town boundary has already been assessed by this Court in the case of Ramphal (supra). And more than that the said assessment is final and conclusive. Needless to assert that more often than not value of the land under acquisition cannot be evaluated with mathematical precision. Thus, absent any safer option, the method that is, fair, reasoned and enables the Court, as far as feasible, to assess the true value of the acquired land, has to be adhered to. Thus, on a due and thoughtful consideration of the matter in issue, I am of the view that if the entire distance of 10 kilometers between Kharawar to Sampla is divided into strips/belts of one kilometer each, and a deduction of 5% is caused, for each kilometer, in the value of land situated in village Kharawar i.e. ₹15,52,500/- per acre, than village Gandhra being at a distance of four kilometers from Kharawar, value of the land in the said village shall be 20% less i.e. ₹12,42,000/- per acre. Likewise, value of the land situated in villages Ismaila-11 biswa and Ismaila-9 biswa, that is situated at a distance of 1.40 from Gandhra or 5.40 from Kharawar, shall be 25% less i.e. ₹11,64,375/- per acre. And the claimants/landowners whose land formed part of the revenue estate of village Sampla, Kheri Sampla and Garhi Sampla, situated at a distance of 10.5 kilometers from Kharawar shall be entitled to compensation at ₹7,76,250/- per acre i.e. 50% less than the value of land situated in village Kharawar.

In conspectus of the above:-

(a) the claimants/landowners whose land formed part of the revenue estate of village Kharawar shall be entitled to compensation @ ₹15,52,500/- per acre;

(b) those whose land was situated in village Gandhra shall be entitled to compensation @ ₹12,42,000/- per acre;

(c) the land owners whose land formed part of the revenue estate of village Ismaila-11 biswa and Ismaila-9 biswa shall be awarded compensation @ ₹11,64,375/- per acre; and,

(d) those whose land was situated in village Sampla, Kheri Sampla and Garhi Sampla shall be awarded compensation @ ₹7,76,250/- per acre.

All the appeals preferred by the claimants as also the cross-objections are disposed of in the above terms. And, as a necessary consequence, the appeals filed by the State are dismissed. The award(s) rendered by the reference Court are modified accordingly. Needless to assert that claimants shall also be entitled to all the statutory benefits as admissible in law.

26.04.2017 **(ARUN PALLI)**
Manoj Bhutani **JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No