

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

RFA No. 4006 of 2002
Date of decision: 16.02.2018

Haryana Urban Development Authority

....Appellant(s)

Versus

Anant Ram and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: None.

G.S.SANDHAWALIA, J. (Oral)

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (in short 'the Act') is directed against the award dated 06.12.2001 passed by the Reference Court at Rewari. Land measuring 42.79 acres was acquired vide notification under Section 4 of the Act dated 17.05.1990 for public purpose for development and utilization of land for residential and commercial and institution area, Rewari. The value of the land was fixed at Rs.7,04,000/- per acre upto the depth of 100 meters and @Rs.6,00,000/- per acre for the land beyond 100 meters from the road which was the enhancement granted against the award dated 30.04.1990 of the Land Acquisition Collector.

The Reference Court chose not to follow the earlier award Ex.P-X dated 17.04.2001 since it was subject matter of consideration before this Court and chose to follow the judgment passed by Sh. Varinder Singh, Additional District Judge, Rewari dated 04.02.1997. The Reference Court in that case had granted Rs.8,00,000/- per acre upto the depth of 100 feet and Rs.5,00,000/- in respect of the remaining land. It was noticed that the

award was modified on 25.05.2000 by this Court and the amount was reduced to Rs.7,04,000/- per acre upto the depth of 100 meters and Rs.6,00,000/- per acre for the land beyond 100 meters alongwith other statutory benefits.

In the connected ***RFA No. 2935 of 2001 Palla Ram (deceased) through L.R.s and others vs. State of Haryana and others***, while deciding the bunch on 14.02.2018, this Court has allowed the State Appeals against the Reference Court award dated 17.04.2001 while noticing that uniform compensation had been awarded by the Division Bench for the same notification @ Rs.7,04,367/- per acre.

It is not disputed that the judgment dated 25.05.2000 was modified in ***LPA-387-2001, titled Pawan Kumar & another Vs. Land Acquisition Collector***, at the instance of land-owners, on 15.05.2006 and a uniform rate was given @ Rs.7,04,367/- to all land-owners by holding that the belting method should not have been adopted as the land falls within the Municipal area. Accordingly, all claimants were given uniform rate as given in Category-A along with statutory benefits, as mentioned above. The SLP against the said order already stands dismissed on 07.04.2008. The relevant portion of the judgment rendered in LPA-387-2001, read as under:

“We, however, find merit in the argument of Mr.Mittal that the belting system in the present circumstances was perhaps in applicable. The learned Single Judge has noticed that the land in question was within the municipal area and had great residential and commercial potential and was in fact to be utilized for the purposes of development of Sector 3, Part-II in Rewari township. In this connection, reliance has been placed on the site plan Ex.P-2 and the cross-examination of PW-2, who stated that the area had already been developed and a number of buildings were touching the acquired land and that the Government offices were also

situated close-by. The learned Single Judge was, however, swayed by the fact that the acquired land was some 5 kms. away from the National Highway along a minor road. The learned Single Judge accordingly, relied on the judgment in Basant Kaur etc. v. Union of India etc., 1997 L.A.C.C. 17 to hold that land abutting the main road had a higher market value and, therefore, a higher price. We, however, find that in the cited case, there appears to be a lack of evidence as to the exact situation of the acquired land and its potential for development.

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We may once again underline that the facts would have to be seen in each case as has been repeatedly held by the Courts. As already mentioned above, the land in question, which is within the municipal area abutting the abadi of the Rewari, has great potential. To our mind, the finding of the learned Single Judge that the belting system could not be applied, was erroneous. We accordingly hold that all the claimants would be entitled to a uniform rate as given in category 'A'. Such appellant/claimants shall also have their statutory benefits.”

In such circumstances, once the Division Bench has already fixed a uniform compensation as such at the above said rate, the appeal filed by the HUDA as such does not warrant any interference and the same is accordingly dismissed.

16.02.2018
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No