

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

**RFA No. 1780 of 2008 (O & M)**

**Date of decision: 16.02.2018**

Pyare Lal and others

....Appellant(s)

Versus

Land Acquisition Collector, Sector 17, Urban Estate, Gurgaon and another

...Respondent(s)

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

Present: Mr. Sonu Giri, Advocate,  
for Mr. Sandeep Sharma, Advocate,  
for the land owners.

Mr. Sudeep Mahajan, Addl. A.G., Haryana.

**G.S.SANDHAWALIA, J. (Oral)**

The present judgment shall dispose of two appeals i.e. RFA Nos. 1780 of 2008 and 834 of 2006 filed under Section 54 of the Land Acquisition Act, 1894 (in short 'the Act') against the order of the Reference Court dated 27.07.2005, Rewari. The State is aggrieved against the enhancement granted in RFA No. 834 of 2006 whereas, the land owners in RFA No. 1780 of 2008 seek enhancement.

A sum of Rs.7,88,480/- per acre for the land upto the depth of 100 meters was granted by the Reference Court and Rs.6,72,000/- per acre for the land beyond 100 meters from the road. The notification in question under Section 4 had been issued on 17.05.1990 for acquisition of 42.72 acres of land in village Rewari and village Chandpur for public purpose for development and utilization of land for residential, commercial and institutional area, Rewari. The Section 6 of the Act notification was dated 03.05.1996. The enhancement was done from Rs.1,50,000/- per acre for

Chahi land, Rs.1,25,000/- for Barani land, Rs.1,25,000/- for Gaim Mumkin land and Rs.60,000/- for Gair Mumkin Deegar land against the award dated 30.04.1993 passed by the Land Acquisition Collector.

The enhancement was on the basis of an earlier award passed by the Reference Court dated 17.04.2001 in the case of LAC Case No. 45, Palla Ram and others vs. State of Haryana and others passed by Sh. Dharamvir Singh, Additional District Judge, Rewari. This Court in ***RFA No. 2935 of 2001 Palla Ram (deceased) through L.R.s and others vs. State of Haryana and others***, while deciding the said bunch which was preferred by the State and the land owners, has allowed the State appeals to the extent that all the claimants are to be given uniform rate as per the earlier order passed in LPA No. 387 of 2001 at the instance of the land owners on 15.05.2006. The relevant part of the order reads thus:-

*“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.*

xxxx                      xxxx                      xxxx

*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.”*

The record in the present case has been examined which goes on to show that the acquisition is also for the same purpose as per the site plan which is part of the record Ex.P-6. Resultantly, the State appeal i.e. RFA No. 834 of 2006 is allowed in the same terms as in RFA No. 2935 of 2001 and the land owners are held entitled for payment of uniform compensation of Rs.7,04,367/- per acre. The appeal filed by the land owners i.e. RFA No. 1780 of 2008 is accordingly dismissed.

16.02.2018  
shivani

(G.S. SANDHAWALIA)  
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No