

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

RFA No.3083 of 2014
Date of decision: 12.3.2018

Harnarayan Saini

...Appellant

Versus

State of Haryana and another

...Respondents

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

Present: Mr. Amit Kumar Jain, Advocate for the appellant.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana with
Ms. Safia Gupta, Assistant Advocate General, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The present appeal under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act”) has been directed against the award dated 17.12.2013 wherein Reference Court has dismissed the petition filed under Section 18 of the Act and upheld the compensation awarded by the Land Acquisition Collector, Jind (for short “the LAC”) vide order dated 19.8.2010.

The land is situated in village Safidon, District Jind and was acquired for the purpose of development of Sectors 7,8 and 9. The LAC had awarded a sum of ₹ 33,00,000/- per acre upto the depth of two acres from the Safidon-Jind road; Safidon Bye-pass road and for Gair Mumkin land and ₹ 18,00,000/- per acre was awarded for Nehri and Chahi land apart from other statutory benefits. The amount was enhanced in **RFA No.1515**

of 2014-Harijan Co-operative Society Ltd. Vs. State of Haryana and another decided on 22.12.2015 by this Court to the extent that the land owners who had been granted ₹ 18,00,000/- per acre were held to be entitled to ₹ 24,75,000/- per acre whereas compensation of the land falling on the main roads was maintained.

The matter was taken to the Apex Court in **Civil Appeal No.2846 of 2017-Bijender and others Vs. State of Haryana and another** decided on 27.10.2017. The land owners got further benefit in as much as the market value of the land was assessed at the rate of ₹ 45,00,000/- per acre in place of ₹ 33,00,000/- per acre and ₹ 35,00,000/- per acre in place of ₹ 24,75,000/- per acre which was enhanced by this Court. Relevant portion reads as under:-

“62) We have applied our mind keeping in view all the relevant factors coupled with the law laid down by this Court. Taking into consideration all the relevant factors emerging from the evidence and the findings of the Courts below on the issues such as - the location of the acquired land, its surroundings, nature, potentiality, rates of small plots, the purpose of acquisition, development cost needed, non availability of the sale deeds for large areas sold in acres, etc., we are of the considered opinion that just, fair and proper market value of the acquired land in question on the date of issuance of Section 4 notification is determined at Rs.45,00,000/- (Forty Five Lacs) per acre in place of Rs.33,00,000/- (Thirty Three Lacs) per acre for the lands described in detail in column 2 of the Award of the Collector dated 19.08.2010 (Annexure P-3) at page 32 of the SLP paper book of C.A.No. 2846/2017 and Rs.35,00,000/- (Thirty Five Lacs) per acre in place of Rs.24,75,000/- (Twenty Four Lacs Seventy Five Thousand) per acre for lands described in detail in column 1 of the said Award. In other words, the appellants

are held entitled to receive compensation for the acquired land as described hereunder:

S. No.	Class of Land	Awarded Amount
1.	Nehri, Chahi	Rs.35 lacs
2.	To the depth of 2 acres from Safidon-Jind Road & Safidon Bye pass Road and Gair-mumkin land.	Rs.45 lacs

63) In addition to the aforesaid, the appellants are also held entitled to statutory compensation as provided in the Act and which the Courts below had already awarded to the appellants. We uphold the Award of such compensation. The two rates which we have determined above would apply to entire acquired land of all the appellants.

64) In the light of foregoing discussion, the appeals succeed and are allowed in part. The impugned judgments are partially modified in appellants' favour by enhancing the compensation payable to appellants (claimants/landowners) in respect of their acquired land to the extent indicated above."

In such circumstances, the said compensation as such thus become payable to the land owners also who are similarly situated and the appeal is allowed to this extent.

Regarding the claim of counsel for the appellant for compensation for the trees which were standing on the land, the same has rightly been allowed only partly to the extent of 50% of the valuation report dated 16.11.2012 of PW-195-Baljit Singh Bhayan, District Horticulture Officer who had been examined by the land owner Harnaryan Saini.

Counsel for the appellant has submitted that the valuation report as such was for ₹ 1,24,070/- and full benefit has not been granted by

the Reference Court.

The reason for declining full claim by the Reference Court was that the valuation report dated 16.11.2012 was more than 5 years from the date of notification dated 23.8.2007 issued under Section 4 of the Act and the possession of the land had already been taken way back two years. The reason thus would be apparent that the trees had further gained strength and the benefit of the same as such could not be granted to the land owners whose market value had to be assessed as on the date of notification under Section 4. The said reasoning does not suffer from any infirmity which would warrant interference by this Court.

Resultantly, claim for enhancement for the trees cannot be accepted. However, the benefit of market value of the land as enhanced by the Apex Court shall flow to the land owners.

March 12, 2018
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No