

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

1. **RFA No.5979 of 2015**
Date of decision: 13.3.2018

Shavinder Singh and another **...Appellants**

Versus

The State of Haryana and others **...Respondents**

2. **RFA No.5980 of 2015**
Date of decision: 13.3.2018

Khazan Singh and others **...Appellants**

Versus

The State of Haryana and others **...Respondents**

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

Present: None for the appellants.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana with
Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

G.S.SANDHAWALIA, J. (Oral)

This order shall dispose of RFA Nos. 5979 and 5980 of 2015
as common question of law and facts are involved in both these appeals.

Through the present appeals, the appellants seek enhancement
of the market value of the land which has been assessed at ₹ 47,74,400/- per
acre for the land situated upto 2 acres from the G.T.Road and ₹ 38,19,520/-
per acre for the remaining land by the Reference Court, Karnal vide
impugned orders dated 10.1.2014 and 11.4.2014. The land was acquired for
the purpose of development of industrial estate, Karnal.

Counsel for the State submits that the matters are covered by

the judgment of this Court in **RFA No.3365 of 2014-Kanwar Vs. State of Haryana and others** decided on 15.2.2016 wherein appeals filed by the land owners were allowed and the market value was assessed at ₹ 1609/- per sq. Yard (₹ 77,87,560/- per acre) for the notification dated 27.4.2006 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act”). Relevant portion reads as under:-

“Average of all the four sale instances, i.e. Ex.P-27 and Ex.P-39 relied upon by learned counsel for the landowners on one hand and Ex.R-13 as well as Ex.R-19, relied upon by learned counsel for beneficiary department on the other hand, comes to ₹1609/- per sq. yard. These facts and figures have not been disputed by the learned counsel for the parties. Accordingly, the landowners are held entitled to receive the compensation @ ₹1609/- per sq. yards from the date of notification under Section 4 of the Act.

The next question that falls for consideration of this Court is: whether the belting system adopted by the learned reference court deserves to be upheld or not. Since it is undisputed on record that total acquired land was going to be utilised for one and the same purpose, i.e. for development of Industrial Estate, the exact location or quality of the land, whether it was touching GT road or was situated beyond 2 acres from GT Road and also whether the land was *Chahi* or *Banjar Kadim*, would be hardly of any consequence. Further, it was already a fully developed area, therefore, belting was not at all warranted in the instant case.”

The office has also confirmed the fact that SLP against the said judgment had been dismissed on 19.9.2017 by the Apex Court and the lead case was **SLP(C) No.14548-14560 of 2016-Jagdish and others etc. Vs. State of Haryana and others etc.**

Resultantly, keeping in view the above, the present appeals are

allowed and the appellants-land owners are held entitled for the above said compensation.

March 13, 2018
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No