

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

-:-

RFA No. 4974 of 2017 (O&M)

Date of decision: 03.04.2018

Smt. Kela Devi & Ors.

... Appellants

Vs.

State of Haryana & Anr.

...Respondents

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

Present: Mr. Vikram Singh, Advocate, for the applicant-appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M No. 12480 – CI of 2017

Application has been filed for condoning the delay of 153 days, in filing the appeal.

In view of the averments made showing sufficient cause explaining for the delay duly supported by an affidavit, the delay of 153 days in filing the present appeal, is hereby condoned.

C.M disposed of.

R.F.A No. 4974 of 2017

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 02.11.2016, whereby Reference Court has granted compensation to the extent of Rs.24.75 per acre for the land beyond 2 acres and compensation @Rs.33 lakhs per acre as awarded by the Collector upto 2 acres was maintained.

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 Rs.18,00,000/- per acre were held to be entitled to Rs.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 Rs. 45,00,000/- per acre in place of Rs.33,00,000/- per acre and Rs.35,00,000/- per acre in place of Rs.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.

In view of the above, the present appeal is disposed of in the same terms.

April 03, 2018
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No