

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

RFA No. 813 of 2018 (O & M)

Date of decision: 15.03.2018

Smt. Anandi

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Ms. Anita Balyan, Advocate,
for the applicant-appellant.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 2073-CI of 2018

The present application has been filed for condonation of delay of 848 days in filing the appeal.

In view of the averments made in the application duly supported by affidavit, the application is allowed.

Delay condoned.

RFA No. 813 of 2018

The present appeal arises out of Section 54 of the Land Acquisition Act, 1894 (in short 'the Act') and has been preferred against the award dated 06.04.2015 passed by the Reference Court, Jhajjar qua notification dated 25.07.2006 under Section 4 whereby, the market value of the land falling in village Kassar was assessed at Rs.16,00,000/- per acre by the Land Acquisition Collector. The acquisition was for the purposes of setting up an Industrial Estate, Bahadurgarh and enhancement has been done from Rs.16,00,000/- to Rs.50,00,000/- per acre by the Reference Court.

Counsel *inter alia* contends that in RFA No. 6066 of 2015, further enhancement has been granted by this Court to the tune of Rs.61,94,097/- per acre.

Notice of motion.

Ms. Safia Gupta, AAG, Haryana accepts notice on behalf of the State and Mr. Pritam Saini, Advocate accepts notice on behalf of HSIIDC. Copies of the appeal have been handed over to them.

This Court in ***RFA No. 6066 of 2015, Bhagwat Sarup and others vs. State of Haryana and others*** decided on 31.07.2017 has further enhanced the compensation to Rs.61,94,097/- per acre. The relevant portion of the said judgment reads thus:-

*“Having said that, the only issue that survives is; **Whether the deduction caused by the Reference Court, at Rs.10,00,000/- per acre, on account of development charges can be countenanced?** The Supreme Court in **Chandershekhar (dead) by LRs and others v. Land Acquisition Collector and another, (2012) 1 SCC 390**, held that deduction towards development included (i) keeping aside area/space for providing developmental infrastructure and (ii) development expenditure. What needs to be noticed is that this was never the case of the State that the sale instances that were relied upon by the claimant/landowners formed part of a fully developed lay out or an urban area or an estate that was equipped with modern days facilities. Whereas, the acquired land lacked all those features/advantages. As indicated earlier, the State failed to lead any evidence in the matter except the statement of RW-1 Abdul Hamid Khan, which hardly justify the deduction caused by the Reference Court. Thus, no cut on account of development charges could at all be applied or was*

*warranted. Resultantly, the claimant/landowners shall be entitled to compensation at **Rs.61,94,097.45p. per acre.***

That being so, the appeals preferred by the claimant/landowners are disposed of in the above terms, i.e. the landowners shall be entitled to compensation at Rs.61,94,097.45p. per acre. Needless to assert that the claimant/landowners shall also be entitled to all the statutory benefits as are admissible in law. And a necessary consequence, the appeals preferred by HSIIDC are dismissed.”

Accordingly, keeping in view this fact and that the land owners had also preferred SLP No. 36554 of 2017 against the said order, which has been dismissed on 08.01.2018, the appeal is allowed and the appellant shall be entitled for the same amount alongwith statutory benefits.

15.03.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No