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**CM-13472-474-CI-2017 in RA-RF-275-CI-2017 in
RFA No. 633 of 2005**

JAGDISH CHAND (NOW DECEASED) THROUGH HIS LRS AND ORS.
VS
STATE OF HARYANA AND ANR.

Present: Mr. Shivendra Swaroop, AAG, Haryana
for the applicant-respondents.

Mr. Shoaib Khan, Advocate for the non-applicant/appellants.

CM No. 13472-CI-2017

This is an application seeking condonation of delay of 54 days in filing the review application.

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 54 days in filing the review application is condoned.

Civil miscellaneous application stands disposed of.

CM No. 13473-CI-2017

Allowed as prayed for.

CM No. 13474-CI & RA-RF No. 275-CI-2017

This is an application under Order 47 Rules 1 and 2 of the Code of Civil Procedure, seeking review of the order and judgment dated 18.9.2017, rendered by this Court, whereby compensation awarded to the claimant-

landowners was enhanced to Rs.764.31/- per square yard and consequently, the appeals filed by the State were dismissed.

The short ground upon which the applicants seek review is; to evaluate the value of the acquired land, this Court had relied upon a judgment dated 8.4.2016, rendered in **RFA No. 1956 of 2010 (State of Haryana through Land Acquisition Collector, Urban Estate, Panchkula and another Vs. Hans Raj and others)**, vide which the land situated in the same revenue estate was assessed @ Rs.380/- per square yard. And, for the time difference between the two notifications under Section 4, issued in the respective proceedings, upon awarding 15% increase, value of the acquired land was assessed at Rs.764.31/- per square yard. However, in an appeal preferred against the decision in **Hansraj and others (supra)**, the Supreme Court, vide order and judgment dated 9.10.2017, rendered in **Civil Appeal No. 17022 of 2017 (Umesh Gupta Vs. the State of Haryana)**, has since reduced the compensation from Rs.380/- per square yard to Rs.290/- per square yard. Further, in the relied upon acquisition, value of the land was assessed awarding only 12% increase, therefore, the increase awarded @ 15% in the present proceedings was unjustified.

For, concededly, the market value of the land under acquisition in the case of **Hans Raj**, has since been determined @ Rs.290/- per square yard, value of the acquired land, as assessed by this Court, is required to be revised in terms of the decision of the Supreme Court, referred to above.

The grievance as regards awarding 15% annual increase: undoubtedly, to assess the value of the acquired land, this Court had relied upon

a judicial precedent, vide which, a land measuring 655.93 acres, situated in village Ramgarh and 485.97 acres, situated in village Bana Madanpur, was acquired for the development and utilization of land as residential, commercial and institutional area in Urban Estate, Panchkula. And the value thereof, was assessed after awarding 12% increase. However, what needs to be understood is that increase @ 12%, was factored in owing to the potentiality and surroundings of the said land as on 26.06.1989, i.e. the date of notification under Section 4. And, significantly, post acquisition, the land in those proceedings, was developed into an urban estate and was utilized for carving out Sectors 25 to 28, Panchkula. Whereas, the notification under Section 4, in the present proceedings was issued 5 years later i.e. 15.07.1994, and in the interregnum, the area in the vicinity of the acquired land had witnessed an unprecedented growth and development. And, as has been recorded in the judgment under review, the acquired land measuring 2.73 acres, situated in village Ramgarh and 0.39 acres situated in village Bana Madanpur, formed an integral part of the land under acquisition in the case of **Hans Raj**, and was virtually located in the center of the said parcel of land. Thus, to factor in the appropriate increase, for assessing the true value of the acquired land in the present proceedings, its potential, surroundings and development in its immediate vicinity were to be weighed. Thus, to award increase @ 15% on cumulative basis, the reasons are assigned in detail, in the judgment, under review. In conspectus of the above, the argument: the increase awarded @ 15% was excessive/unjustified, lacks conviction and cannot be countenanced.

Accordingly, the order and judgment dated 18.09.2017, is modified, only to the extent that the claimant-landowners shall be entitled to compensation @ Rs.583.26/- per square yard, as is being depicted hitherto below:-

Year	Original Value in rupees (per square yard)	Cumulative Increase @ 15%	Value in rupees (per square yard)
1989	290	Nil	290/-
1990	290	43.50	333.50/-
1991	333.50	50.02	383.52/-
1992	383.52	57.52	441.04/-
1993	441.04	66.15	507.19
1994	507.19	76.07	583.26/-

The applications are accordingly disposed of, in the above terms.

(ARUN PALLI)
JUDGE

23.2.2018
AK Sharma/*Manoj Bhutani*