

110

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.2703 of 2019 (O&M)
Date of Decision: 22.07.2019

State of Haryana through Land Acquisition Collector
.....Petitioner

Vs

Inderjit SinghRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vishal Kashyap, A.A.G. Haryana,
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 14.01.2019 passed by the Executing Court-cum-Additional District Judge, Ambala, whereby the decree holder was held entitled for compensation @ Rs.430/- per sq. yards and judgment debtor/petitioner was directed to make the payment on the aforesaid rate.

[2]. Perusal of the impugned order would show that a reliance was placed on para nos.40 and 42 of the judgment dated 11.04.2013 passed by the Hon'ble Apex Court in the case titled '**Ashrafi and others vs. State of Haryana and others**' arising out of **SLP(C) Nos.24704-24712 of 2007**. In Para No.41

of the aforesaid judgment, the Hon'ble Apex Court has adverted to Atam Singh's case. Para 40 of the judgment reads as under:-

“40. As far as the lands within the District of Ambala are concerned, in respect of one set of lands, the Reference Court assessed the market value of the acquired lands to be Rs.57,000/- per acre. However, another Reference Court assessed the market value of the acquired lands at Rs.3,38,800/- per acre. In our view, the claim of the land owners, assessed at Rs.300/- per sq. yard is on the high side but Rs.110/- per sq. yard, as had been held by the Division Bench of the Punjab and Haryana High Court, is on the low side. On a comparison of the price of lands sold during 1981, or by adding 12% per annum on Rs.70/- per sq. yard on annual compounded basis, the value of the lands is assessed at Rs.180/- per sq. yard on a uniform basis for all lands, as also submitted by Ms. Malhotra.”

[3]. In Para No.42 of the judgment, the Hon'ble Apex Court has recorded the following findings:-

“42. In Mukesh Kumar's case (Supra), Mr. Manoj Swarup had pointed out that having regard to the potentiality of the acquired lands, the belting system should not have been resorted to. We are inclined to accept Mr. Swarup's contention on this score. We are also inclined to accept Mr. Swarup's other submissions that, although, the High Court had allowed a yearly increase of 12%, taking 1983 as a base-year, such increase was not commensurate with the yearly escalation of prices and that was required to be calculated on a cumulative basis, as was held in Rameshbhai Jivanbhai Patel's case (supra). Accordingly, in Mukesh Kumar's case and the other cases heard along with the said case, we are of the view that while adding 12% annual increase to the value of the lands acquired, the same should be done on a cumulative basis. In Mukesh Kumar's case, the compensation awarded was at the rate of Rs.235/- per sq. yard

along with all statutory benefits, as provided under Sections 23 (1-A), 23(2) and 28 of the Land Acquisition Act. Having discarded the belting system which has been resorted to, we are of the view that the compensation as awarded at the rate of Rs.235/- per sq. yard, has to be reassessed by applying the cumulative rate of increase at the rate of 12% per annum with the base year being the date of the Notification under Section 4 of the Land Acquisition Act, together with the statutory benefits, as indicated hereinabove. The stand taken on behalf of the State of Haryana, regarding the amount of escalation fixed at 12% being improper, does not appeal to us having regard to the potentiality of the lands acquired and the sharp increase in the value of the lands in recent times. The valuation of the compensation of the acquired land at the rate of Rs.235/- per sq. yard by the High Court, appears to have been influenced by the compensation already assessed in Atam Prakash's case, where the market value of the land acquired in Sectors 9 and 11 was assessed at Rs.235/- per sq. yard. According to Mr. Swarup, the said lands were far away from the lands involved in the present set of cases and, accordingly, the rate of compensation for the lands under consideration should be definitely higher than awarded in respect of the lands covered in Atam Prakash's case. Accordingly, we re-assess the compensation assessed in respect of the lands covered by these cases by applying the cumulative rate of interest, taking the date of Notification under section 4 of the Land Acquisition Act as the base year for such calculation at Rs.325/- per sq. yard. The said valuation will also be applicable in Mahabir & Anr. vs. State of Haryana & Anr. [SLP(C)No.1512 of 2007], Sarwan Singh & Anr. vs. State of Haryana & Anr. [SLP(C)Nos.20144- 20150 of 2007] and State of Haryana & Anr. vs. Partap Singh & Anr. [SLP(C)No.21597 of 2006]. As far as the lands in village Patti Mehar, Saunda and Jandli in Ambala District and forming the subject matter in Surinder Kumar's case [SLP(C)Nos.16372-16404 of 2008], in Manohar Lal Khurana's case and in other cases falling in the

same category are concerned, the compensation will be at the above rate on a uniform basis.”

[4]. The executing Court while passing the impugned order has adverted to the fact that Atam Singh's case is related to District Hisar and the assessment of compensation @ Rs.325/- per sq. yards is also in respect of land in District Hisar. Surinder Kumar and Manohar Lal's cases are in respect of land falling in District Ambala. The facts of the aforesaid cases have not been discussed. The notification under Section 4 of the Land Acquisition Act in both the District is different. The awards passed by the Collector are also different. The observation made in Para No.42 are in the context of observation made by the Hon'ble Apex Court in Para No.40 of Ashrafi and others' case. The words “above rate” as mentioned in Para No.42 of the said judgment is relatable to the principle applied by the Hon'ble Apex Court while assessing the rate of Rs.180/- per sq. yards for acquisition of the land related to notification dated 26.05.1981 under Section 4 of the Land Acquisition Act for the lands in District Ambala. Surinder Kumar's case is related to the lands falling in villages Patti Mehar, Saunda and Jandli of District Ambala and the notification under Section 4 of the Act was issued on 26.05.1981. The Hon'ble Apex Court has taken Rs.70/- per sq. yards for the year

1973 as base and applied 12% compound interest annually for 8 years and thereafter assessed the rate of land @ Rs.180/- per sq. yards. The notification for acquisition in the present case was issued on 02.02.1989 in respect of land falling in District Ambala. The amount on calculation comes out to be Rs.430/- per sq. yards.

[5]. Learned counsel for the petitioner could not show as to how the findings recorded by the executing Court are illegal.

[6]. For the reasons recorded hereinabove, I see no justification to interfere in this revision petition. This revision petition is accordingly dismissed.

July 22, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No