HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RFA No.903 of 2015 (O&M) and connected appeals
And cross-objections
Reserved on : 10.09.2019
Pronounced on : 25.09.2019

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Bimla Devi (II) & Ors. …Appellants

VS.

State of Haryana & Ors. ... Respondents

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

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Present: Mr. Shailendra Jain, Sr.Advocate with
Mr. Siddharth Goyal, Advocate for the appellants

Mr. Sudeep Mahajan, Addl. AG Haryana
Mr. Abhinash Jain, AAG Haryana
Ms. Vibha Tewari, AAG Haryana

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Regular case No.	Appeal filed by the landowners	Appeal filed by the State	Cross-objection
349	RFA No.6997, 6998, 6999, 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, of 2012 RFA No.504, 2308, 2635 of 2013 RFA No.606, 607, 608, 903 of 2015	RFA No.610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, of 2013	XOBJR-47-CI-2013 in RFA-624-2013

G.S. SANDHAWALIA, J.

(1) The present set of 37 appeals filed under Section 54 of the Land Acquisition Act, 1894 arise out of the two awards of the Reference Court, Hisar dated 27.08.2012 and 29.10.2014 and both pertain to the notification under Section 4 dated 03.12.2009. The acquisition was for similar kind of public usage in the sense that one was for the construction of second Water Works at Hansi whereas the other was for construction of Sewerage Treatment Plant (STP) at Hansi. Resultantly the appeals are being disposed of by way of a common judgment as the location of the land as such is in close vicinity to each other and the relevant date of Section 4 notification also being the same. However, for the purpose of convenience and reference, they will be referred to as the 1st notification and the 2nd notification.

1st Notification

(2) As per the 1st notification 529 kanals 20 marlas of land (appro. 66 acres) was sought to be acquired for construction of second Water Works

at Hansi. Vide award dated 11-H dated 16.09.2010 the Land Acquisition Collector awarded Rs.17 lakhs per acre upto the depth of 2 acres on the Kutubpur Dhani to Hansi road and Rs.10 lakhs per acre for the land beyond the said distance. However for the land falling beyond 2 acres, the rate was increased subsequently to Rs.12 lakhs. The Reference Court placed reliance upon the award No.13-H dated 15.11.2010 (Ex.P5) of the LAC wherein 89 kanals 12 marlas were also acquired in village Hansi and compensation had been granted @ Rs.18 lakhs per acre upto the depth of 2 acres on both sides of the link road and Rs.17 lakhs per acre for the land beyond the said depth. Keeping in view the fact both the lands were situated on the link metaled road the amount was enhanced to the same level as granted by the Land Acquisition Collector.

(3) In appeal i.e. RFA No.903 of 2015 was initially decided on 28.05.2016 and the Coordinate Bench of this Court enhanced the amount of compensation to Rs.4527/- per sq.yard (Rs.2,19,10,680/- per acre) by taking Ex.P2 dated 12.02.2008 into consideration which was measuring 16 kanals 14 marlas which was in favour of Ms/ Amazon Enterprises P.Ltd.. The market value of the same was worked out to Rs.4900/- per sq.yard Increase of 12% was given for the difference of time between the sale deed and the section 4 notification and the market value was assessed @ Rs.6036.80 per sq.yard (Rs.2,92,18,112/- per acre) and 25% cut was applied as the sale exemplar was situated on the GT road.

(4) The matter was taken to the Apex Court in **Civil Appeal No.2634-2671-2018 State of Haryana & Ors. vs. Bant Lal etc**. wherein tentatively on 02.08.2018 the valuation of the land was fixed @ Rs.30 lakhs per acre for the 1st notification and Rs.40 lakhs per acre for the 2nd

notification tentatively. The second option with the Government was to return the unutilized land to the claimants and the matter was to be remanded for appropriate fixation of the land value which was to be utilized by the Government and with liberty to the both sides to lead additional evidence. Eventually the matter was disposed of on 10.08.2018 by setting aside the fixation made by this Court and remitting the matters with liberty to both sides to lead evidence. The order reads as under:-

> *1. The parties are before this Court disputing the land value fixed in respect of the acquired land. The State is aggrieved by the value fixed; whereas the claimants want higher compensation.*
>
> *2. When the matter came up to this Court, on 02.08.2018, after extensive hearing, the following order was passed :-*
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>> *"We have heard learned counsel on both sides and also gone through the records.*
>>
>> *We have given two options to the claimants. First option is, as far as land acquired for water works is concerned, we will fix the value of the land at Rs.30,00,000/- (Rupees Thirty Lakhs) per acre, having regard to the fact that in certain sale deeds of other persons for the similar land the same value is fixed and as far as the land acquired in Sewage Treatment Plant (STP) is concerned, the value will be slightly enhanced and may be fixed at Rs.40,00,000/- (Rupees Forty Lakhs) per acre.*
>>
>> *Second option is that the Government will return the unutilised land to the claimants, and remand the matters to the High Court for appropriate fixation of land value in respect of the actual land utilised by the Government, with liberty to both the sides to lead additional evidence.*

Post the matter on Tuesday, the 7th August, 2018 in Miscellaneous Hearing" at the top of the Board as part-heard."

3. Having regard to the facts and circumstances of the case, it is submitted that the second option will be the best option in the fitness of things. In the above circumstances, the appeals are disposed of as follows :-

i) The Government will return the un-utilised land to the claimants in accordance with law.

ii) As far as the remaining land is concerned, we set aside the fixation made by the High Court and remit the matters to the High Court with liberty to both sides to lead additional evidence.

4. We make it clear that the first option is no reflexion on any idea of just compensation made by this Court.

5. In view of the fact that we have set aside the impugned Judgment of the High Court, it will be open to the State to approach the Reference Court for refund of the amounts already deposited in terms of the orders passed by this Court.

2nd Notification

(5) Vide notification of even date dated 03.12.2009 the land was sought to be acquired for construction of Disposal Works and Sewerage Treatment Plant and vide award No.13-H dated 15.11.2000 the compensation was assessed @ Rs.18 lakhs per acre for the land upto the depth of 2 acres along both sides of link road and Rs.17 lakhs per acre for the land which was situated upto the depth of 2 acres along both sides of road. The Reference Court vide award dated 29.10.2014 while deciding 4 reference petitions fixed the market value @ Rs.805/- per sq.yard (Rs.38,96,200/- per acre) on the strength of the judgment in **RFA No.1505 of 2003 'Zile Singh vs. State of Haryana'** decided on 26.04.2010 where land had been acquired for the notification dated 12.06.1995 for the public

purpose of development and utilization of land for residential, commercial, industrial and transport purposes. It was noticed that the land in that case pertained to Hansi which was falling on NH-10 leading from Delhi to Fazilka, Hansi to Bhiwani and Hansi to Tosham road. It was accordingly held that National Highway No.10 was on the southern side of the acquired land also. The Reference Court however did not take into consideration the award of the first notification which was dated 27.08.2012 which was of the land falling in the immediate vicinity. As noticed above the Coordinate Bench had dealt with issues in detail in **Bimla Devi (I)** and had enhanced the compensation to Rs.4527/- per sq.yard which has accordingly been set aside by the Apex Court as noticed above.

Arguments

(6) The State having filed the appeals against the first notification is aggrieved against the enhancement granted where the landowners have as such have sought further enhancement in both the sets of land acquired by 1st and the 2nd notifications. In view of the order of the Apex Court application for additional evidence has also been filed by the State in CM-6847-48-CI-2019 in RFA No.6997 of 2012 to place on record Annexures R1 to R8 by way of additional evidence.

(7) On 10.05.2019 it was directed that the State would bring to the notice of the Court as to what action has been taken in view of the order of remand. Resultantly, the application for additional evidence was filed along with status report (R9). Resultantly, the order was passed on 08.08.2019 as to what steps have been taken and what is the quantum of unutilized land. Resultantly, the affidavit dated 28.08.2019 of the Executive Engineer Public Health Engineering Divn. No.3, Hisar has been placed on record along with

the necessary Annexures on 30.08.2019. In the affidavit, it has been mentioned that out of 66.21 acres acquired for the construction of 2nd Water Works at Hansi (Award No.11-H), 24 acres of land was unutilized. Similarly, out of 11.20 acres of land which was acquired for the 2nd notification for construction of 7.50 MLD STP at Hansi (Award No.13-H), 3.45 acres was unutilized. It is further averred that the case had been sent to the Additional Chief Secretary, Government of Haryana, Public Health Engineering Department on 20.08.2019 (R12) for de-notification of the land to be returned to the original landowners in view of the orders of the Apex Court. Thus it is apparent that action has been taken in pursuance to the directions of the Apex Court and the quantum of land which is sought to be acquired has been reduced.

(8) Counsel for the landowners has argued that Ex.P1 & P2 the sales in favour of M/s Amazon Enterprise P.Ltd. on 12.02.2008 being before the date of notification dated 03.12.2009 would be relevant sale exemplars and should be kept in mind for assessing the market value. It is submitted that the sale deeds Ex.P3 & P4 are not of Hansi but of village Kutubpur and therefore would not depict the correct market value which are in favour of M/s Jindal Industries. They were sought to be distinguished to the extent that they were 1.6 kms away from the land. Resultantly, the market value of the same revenue estate should prevail.

(9) Secondly, it was argued by placing reliance on the application for additional evidence in CM-6792-CI-2015 in RFA-6997-2012 which had been filed before the case had been decided initially on 28.05.2016 but was not considered. Reliance was placed upon Annexure A1 that the land had been sold on 30.06.2010 for a sum of Rs.1,82,88,400/- per acre measuring

11 kanal 13 marla. Similarly, sale deed Ex.A2 dated 29.03.2011 for 2 marlas of land in village Hansi was sold @ Rs.2,40,000/- was also relied upon for further enhancement to stress upon the potentialities of the land. The award dated 29.10.2014 which is also subject matter of consideration has also been brought on record to show that for the same notification at one instance, only Rs.17 lakhs and Rs.18 lakhs had been awarded whereas on the other hand the Reference Court had granted Rs.38,96,200/- (Rs.805/- per sq.yard).

(10) The State on the other hand opposed the prayer for enhancement on the ground that Ex.P1 & P2 in favour of M/s Amazon Enterprises P.Ltd. was on the edge of the populated sector of Hansi while placing reliance upon the satellite map prepared by the Haryana Space Application Centre (Department of Science and Technology, Haryana) Chaudhary Charan Singh Haryana Agriculture University Campus Hisar (R1). Similarly, it is submitted that at best reliance could have been placed upon Ex.P3 & P4 the sale deeds in favour of M/s Jindal Industries which was closer to the acquired land than the town of Hansi. The award passed under the National Highways Act, 1956 whereby land was acquired in close vicinity for the proposed Bypass of Hansi (R8 colly) was also relied upon to show that only Rs.25 lakhs had been awarded for the notification dated 27.11.2009 under Section 3 vide award dated 30.04.2012. It was accordingly submitted that the claim for enhancement in the range of Rs.4500/- to Rs.4900/- per sq.yard was not justified. It is further submitted that the said award under the 1956 Act had been upheld on 04.05.2016 by the Additional Deputy Commissioner-cum-Arbitrator.

<u>Pleadings and the evidence on record for the 1st Notification dated 16.09.2010</u>

(11) A perusal of the Section 18 petition would show that the market value as such was challenged on the ground that the land was situated about half KM away from the abadi of City Hansi and abutting Hansi Kutubpur road and having great residential, commercial and industrial value. Number of cotton and ginning/spinning industries like Radhika Spinning Mill, Gobinda Spinning Mill, Jyoti Spinning Mill, Schools, Cold Store, Ware house and residential houses of Ambedkar Colony/Ram Nagar were situated near the acquired land. Accordingly a sum of Rs.2 crores was claimed as the market value.

(12) The defence of the State was that the acquired land was ordinary agriculture land and was of not more than the value which has been assessed by the Land Acquisition Collector after inviting objections.

(13) The cross examination of PW1 Bishambar Lal would show that the land was under cultivation and the industrial site had been approved nearby the acquired land by the Government. Similar was the statement of Bant Lal PW2 and Jitender Kumar PW3 who stated that the industries are situated at a distance of 1 KM.

(14) PW5 Sanjay Kumar AWBN, Tehsil Office Hansi produced the sale deeds Ex.P1 to P4 and Draftsman Surender Kumar PW7 produced the site plan Ex.P6 which he had prepared after visiting the spot and site inspection and having seen all the important places and installations at the site. In cross examination, he volunteered that he prepared the site plan Ex.P6 with the help of shizra which was with the petitioners. He had used the scale only for the acquired land. However, he had not mentioned in Ex.P6 regarding using of scale. Sh. RK Bhadu, counsel for the petitioner

tendered into evidence the sale deed Ex.P7 jamabandi Ex.P8 and P9 and notice Ex.P10 to P13.

(15) Vishal Bansal RW1, Executive Engineer, Public Health Engineering Division No.3 Hisar submitted his affidavit in support of the defence that the land was being used for agricultural purposes at the time of acquisition and nobody was allowed to change the usage of agriculture land into residential or commercial use without prior permission of the Government. In cross examination he stated that the acquired land fell on the Hansi Dhani Kutubpur road and the locality of Hansi City was about 1KM away from the acquired land. He denied the knowledge about the location of industries like cold storage factory, Parbhat factory, Surya Spinner, Jyoti Industries, Ganesh Spinner, VS Industries and Radhika spinning mill etc. The office of Irrigation Department was stated to be situated at a distance of around 2KM from the acquired land whereas the National highway No.10 was situated at a distance of one and half KM from the acquired land if one goes through kacha passage. He admitted that along the kacha path, the land had been acquired for construction of inlet channel meant for raw water to pick up water from Petwar distributory. The land acquired for the said channel crossed the National Highway No.10 and thus was also part of the acquired land.

Pleadings and evidence of the 2nd notification

(16) A perusal of Section 18 petition would show that the potentiality was again claimed and the market value was claimed @ Rs.4 crores on the ground that it was situated half KM from the abadi of the city Hansi. Apart from the existence of number of Cotton ginning and spinning industries etc., the potentiality of the land was immense.

(17) The defence of the State was that the land was agricultural in nature and adequate market value had been granted.

(18) Khushi Ram PW1 submitted his affidavit and in cross-examination, he admitted that the acquired land was agricultural in nature. PW2 Shishpal Singh Junior Draftsman office of DTP Hisar proved the development plan (Ex.P2). PW3 Krishan Kumar Kanungo, office of DRO-cum-LAC Hisar brought the award (Ex.P3) announced by DRO-cum-LAC bearing No.21-H of 12.12.2011 which pertained to 117K 18 M having been acquired in village Satrod Kalan, Tehsil and District Hisar, which was for the purpose of building, maintenance, management and operation of NH-10.

(19) PW4 Gurdev Revenue Patwari stated that Village Kutubpur was outside municipal limit of Hansi and fell in a village. The mutation of the said land had also been sanctioned in favour of Jindal Industries and as per summoned record the nature of land of Khasra Nos.84//3/3, 4, 5/1 was recorded as Nehri.

(20) PW6 Surender Kumar proved site plan (Ex.P4) wherein the distance of the subject matter of sale deeds which were subject matter on the site plan were shown.

(21) PW10 Amar Singh stated that out of 72K-13M of land owned by him and his father along with others, 29K-5M had been acquired for construction of Disposal Work Sewerage Treatment Plant and the said land fell within the municipal limits of Hansi and its value was Rs.10,000/- per sq.yard at the time of Section 4 notification.

(22) RW1 Parshant Silvania, SDO, Public Health Sub Divn.No.4, Hansi in his cross examination admitted that the land fell within the municipal town of Hansi. However, he had not seen the land in question at

the time of announcement of award and taking possession from the land owners.

Conclusion

(23) From the joint perusal of the site plan Exs. P6 & P4 in both the set of cases and the evidence on record, it is apparently clear that the land of the petitioners which is sought to be acquired is situated approximately 1½ KM away from NH-10 which passed through Hansi. The sale exemplars in favour of M/s Amazon heavily relied upon by Mr. Shailender Jain, Ex.P1 & P2 are situated on the main highway itself. They are apparently part of the commercial area wherein there are shops surrounding the said sale exemplars apart from industrial and other establishments. Opposite the said sale exemplar, there is Advocates' Colony wherein the land of Ex.P7 measuring 4 kanals in favour of Alok Farsia was sold @ Rs.20 lakhs on 28.08.2003. The approach to the acquired land as such in question was not there at the time of the notification of 03.12.2009. The notification as noticed under the 1956 Act is dated 27.11.2009 whereby the National Highway will now pass in between the land of the two notifications which are acquired for the disposal of Water Works and the Sewerage Treatment Plant. The land for the STP is situated closer to the abadi of Hansi which extends away from NH-10 on the northern side whereas part of the land acquired for the 1^{st} notification abuts the Kutubpur road. It is on the further end of Hansi away from the abadi portion with the proposed bypass going in between the two patches of land from north to south and touching NH-10 which is running from west to east as it comes from Hisar to Hansi. The position is further verified from the satellite plan which has also been produced by the State along with application for additional evidence. It thus

can be safely held that the land for the 1st notification is closer to village Kutubpur and falling on the said link road than the heart land of Hansi. The sale exemplars in favour of M/s Jindal Industries would be relevant as such to fall back on as in both the site plans it has been mentioned that the said industry is situated at only 1.5 KM away from the land in question. Even if we discount the said sale deeds on account of interest shown by the industry to purchase the land but the fact remains that they are further away from the land which is acquired. The same would offset the extra premium and the market value which the industrial group might have paid for purchasing the land which is subject matter of Ex.P3 & P4. It is settled principle that the land of the adjoining village can also be taken into consideration for assessing the market value after keeping in view the location of the land and the contiguous factor. The chart of the relevant sale deeds as such would be as under:-

Exh.No.	**Date of sale deed**	**Sale consideration**	**Rate per sq.yard**	**Village**	**Area in sq.yard**
P1	12.02.2008 5K 10M	1,48,46,825/-	4462/-	Hansi	3327.50
P2	12.02.2008 16K 5M	4,81,73,125/-	4900/-	Hansi	9831.25
P3	24.11.2009 53K 8 M	2,00,25,000/-	619.83	Kutubpur	32307
P4	20.07.2010 16K	60,00,000/-	619.83	Kutubpur	9680
P7	28.08.2003 4K	20,00,000/-	826.44	Hansi	2420

(24) A perusal of the above would show and as per the discussion made above that Ex.P1 & P2 cannot be taken into consideration on account of the location of the land. The land would have been purchased for commercial purposes as the land falls on the highway. They would not depict the correct market value for the land which was acquired which is more than 1.5 KM inside and is being used for agricultural purposes though

it may have the potential as such to be used for residential/industrial purposes being close to the town of Hansi. In such circumstances the sale deed dated 24.11.2009 Ex.P3 which is for 53 kanals 8 marlas (approx. 7 acres) and executed just before the section 4 notification would be relevant sale exemplar wherein the land had been sold for Rs.30 lakhs per acre. Similarly, Ex.P4 though is post notification executed on 20.07.2010 and in favour of the same vendor-industry would show that the market value as such also hovers around the same valuation. The land also of the said sale deeds is of 7 and 2 acres and therefore they would be good sale exemplars keeping in view the fact that for the 1st notification out of 66 acres now 42 acres is being acquired whereas for the 2nd notification out of 11.20 only 7.75 acres is being acquired. Ex.P7 dated 28.08.2003 is also more than 6 years earlier and situated in a developed portion therefore would not be a relevant sale exemplar.

(25) The impugned award dated 29.04.2014 whereby Rs.805/- has been awarded in view of the judgment of this Court in **Zile Singh** as such is not an appropriate method of fixing the market value in as much as the notification was 9 years' apart. Therefore the reliance placed upon the same as such was not an appropriate method as such to fix the market value. Reliance can be placed upon the judgments of the Apex Court in ***The General Manager, Oil and Natural Gas Corporation Ltd. vs. Rameshbhai Jivanbhai Patel & Anr. (2008) 14 SCC 745; Manoj Kumar etc. vs. State of Haryana etc., (2017) 12 SCALE 731*** *and* ***Loveleen Kumar & Ors. vs. State of Haryana & Ors. (2018) 7 SCALE 596.*** The relevant portion from ***Rameshbhai Jivanbhai Patel & Anr.*** reads as under:-

12. Normally, recourse is taken to the mode of determining the market value by providing appropriate escalation over the proved market value of nearby lands in previous years (as evidenced by sale transactions or acquisition), where there is no evidence of any contemporaneous sale transactions or acquisitions of comparable lands in the neighbourhood. The said method is reasonably safe where the relied-on-sale transactions/acquisitions precedes the subject acquisition by only a few years, that is upto four to five years. Beyond that it may be unsafe, even if it relates to a neighbouring land. What may be a reliable standard if the gap is only a few years, may become unsafe and unreliable standard where the gap is larger. For example, for determining the market value of a land acquired in 1992, adopting the annual increase method with reference to a sale or acquisition in 1970 or 1980 may have many pitfalls. This is because, over the course of years, the `rate' of annual increase may itself undergo drastic change apart from the likelihood of occurrence of varying periods of stagnation in prices or sudden spurts in prices affecting the very standard of increase.

13. Much more unsafe is the recent trend to determine the market value of acquired lands with reference to future sale transactions or acquisitions. To illustrate, if the market value of a land acquired in 1992 has to be determined and if there are no sale transactions/acquisitions of 1991 or 1992 (prior to the date of preliminary notification), the statistics relating to *sales/acquisitions in future, say of the years 1994-95 or 1995-96 are taken as the base price and the market value in 1992 is worked back by making deductions at the rate of 10% to 15% per annum. How far is this safe? One of the fundamental principles of valuation is that the transactions subsequent to the acquisition should be ignored for determining the market value of acquired lands, as the very acquisition and the consequential development would accelerate the overall development of the surrounding areas resulting in a sudden or steep spurt in the prices. Let us illustrate. Let us assume there was no development activity in a particular area. The appreciation in market price in such area would be slow and minimal. But if some lands in that area are acquired for a residential/commercial/industrial layout, there will be all round development and improvement in the infrastructure/ amenities/facilities in the next one or two years, as a result of which the surrounding lands will become more valuable. Even if there is no actual improvement in infrastructure, the potential and possibility of improvement on account of the proposed residential/commercial/ industrial layout will result in a higher rate of escalation in prices. As a result, if the annual increase in market value was around 10% per annum before the acquisition, the annual increase of market value of lands in the areas neighbouring the acquired land, will become much more, say 20% to 30%, or even more on account of the development/proposed development. Therefore, if the*

> *percentage to be added with reference to previous acquisitions/sale transactions is 10% per annum, the percentage to be deducted to arrive at a market value with reference to future acquisitions/sale transactions should not be 10% per annum, but much more. The percentage of standard increase becomes unreliable. Courts should therefore avoid determination of market value with reference to subsequent/future transactions. Even if it becomes inevitable, there should be greater caution in applying the prices fetched for transactions in future. Be that as it may.*

(26) It was the bounden duty of the State to first inform the Court that for the notification of even date only Rs.18 lakhs and Rs.17 lakhs had been awarded vide the award dated 27.08.2012 in the close vicinity. Therefore the methodology of enhancement as such cannot be approved as it is settled principle that the sale exemplars are the best method to assess the correct market value under Section 23. However, it is to be noticed the State is satisfied with the award dated 29.10.2014 and did not prefer any appeal against the same. It is also to be noticed that the land which is of the 2nd notification as such is situated closer to the town of Hansi and therefore the landowners would be entitled for corresponding increase in value due to the location of the land as it is on the eastern side of the proposed Bypass closer towards the Hansi town and therefore the value would be more in comparison to the land acquired for the 1st notification.

(27) Counsel for the State as such is well justified that the sale deeds of Ex.P1 & P2 are not liable to be taken into consideration as they are situated very close to the main town of Hansi and on the NH-10.

(28) Sale deed (Ex.A1) dated 30.06.2010 relied upon in the application for additional evidence would be of no help as it is post dated and also of land sold for residential purposes to a Cooperative House Building Society situated within the municipal limits. No effort has been made to show its location on the site plan and to dispel the fact that the same is not the National Highway in the midst of the developed portion. The same malady affects Ex.A2 dated 29.03.2011 which is also merely 2 marlas of land and also situated in the municipal area. The acquisition under the National Highways Act, 1956 would also show that the LAC also assessed the market value @ Rs.25 lakhs only at 27.11.2009 vide his award dated 30.04.2012.

(29) Accordingly, keeping in view the sale exemplars Ex.P3 & P4, this Court is of the opinion that for the 1st notification dated 03.12.2009 for the land used for 2nd Water Works, the market value as such would work out as Rs.30 lakhs per acre along with all statutory benefits. Accordingly, the landowners appeals and cross-objections are allowed and those of the State are dismissed.

(30) The appeals of the landowners for the 2nd notification of even date i.e. 03.12.2009 for construction of Sewerage Treatment Plant as such do not have any merit. The valuation which has been done @ Rs.38,96,200/- per acre (Rs.805 per sq.yard), is upheld keeping in view the fact that the land is situated closer to the main town of Hansi and thus would has more potential. A proportionate increase would have to be given for the value which has been assessed for the 1st notification. Even otherwise the State has not filed any appeal challenging the said enhancement by the Reference

Court. Accordingly, the appeals against the award dated 29.10.2014 are dismissed.

(31) It is further made clear that the above-said market value is fixed for the land which has now been utilized and the owners will be entitled for the market value accordingly. The land which is to be de-notified as such as per the orders of the Apex Court, the said exercise will be conducted and finalized within 3 months from today and possession should be handed over to the landowners as undertaken in the status report filed. The landowners will be entitled for the refund of the amount deposited in terms of the Apex Court dated 10.08.2018 as reproduced in para 3 above. Needless to say that it will be open to the landowners to seek their remedy qua the damages as such for the period they remained out of possession in accordance with law.

(32) All appeals and cross-objections stand disposed of accordingly.

(33) Misc.applications, if any, in which no separate orders have been passed, also stand disposed of accordingly.

25.09.2019 **(G.S. Sandhawalia)**
vvishal **Judge**

1. Whether speaking/reasoned? ***Yes/No***
2. Whether reportable? *Yes/No*