

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

**CM-3109-CI-2019 in/and
RFA No.2446 of 2017
Decided on : 30.04.2019**

Tirath Ram

... Applicant-Appellant

Versus

State of Haryana and another

... Respondents

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

Present : Mr. S.K. Verma, Advocate for the applicant/appellant.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-3109-CI-2019

Application for disposal of the present appeal in terms of the judgment of the Apex Court dated 27.10.2017 passed in **Civil Appeal No.2846 of 2017 'Bijender and others Vs. State of Haryana and another'**.

The application is allowed and the main case is taken on board today itself.

CM stands disposed of.

Main appeal

The present appeal under 54 of the Land Acquisition Act, 1894 (in short 'the Act') has been filed against the Award of the Reference Court, Jind dated 02.11.2016. Vide notification dated 23.08.2007 issued under Section 4 of the Act, the land falling in village Safidon was acquired for the purpose of development and utilization of commercial Sector 8, Safidon.

The LAC had awarded a sum of Rs.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 Rs.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.

In **Bijender's case (supra)** the land owners have 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.”

Accordingly, keeping in view the above, the present appeal is also allowed in the abovesaid terms.

APRIL 30, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

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