

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

C.M. No. 5927-CI of 2019 in/and
RFA No. 2451 of 2017
Date of decision: 10.12.2019

Smt. Ram Kali

....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

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

Present: Ms. Sakshi Piwal, Advocate,
for Mr. S.K. Verma, Advocate,
for the applicant-appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 5927-CI of 2019

Application has been filed for early hearing of the main appeal and disposal of the same in terms of the judgment of the Apex Court dated 27.10.2017 in *Civil Appeal No. 2846 of 2017, Bijender and others vs. State of Haryana and another.*

Application is allowed and the main appeal is taken up for hearing today itself.

RFA No. 2451 of 2017

Counsel for the State submits that copy of the paper book is available with her.

It is submitted that the Reference Court had, in view of the order passed by this Court, enhanced the compensation to Rs.24.75 lakhs from Rs.18 lakhs per acre for the land which was beyond two acres from the main road. For the remaining land, the compensation at Rs.33 lakhs per

acre was maintained vide the impugned award dated 02.11.2016 by the Reference Court, Jind. The market value has been enhanced by the Apex Court for the notification dated 23.08.2007 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:

<i>Class of Land</i>		<i>Awarded</i>
<i>S.</i>		<i>Amount</i>
<i>No.</i>		
1.	<i>Nehri, Chahi</i>	<i>Rs.35 lacs</i>
2.	<i>To the depth of 2 acres from Safidon-Jind Road</i>	<i>Rs.45 lacs</i>

*& Safidon Bye
Pass Road and
Gair-mumkin land*

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."

Resultantly, the present appeal is also disposed of in the said terms.

10.12.2019
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No