

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

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**RFA No.2535 of 2018
Decided on : 25.07.2019**

Ramphal

... Appellant

Versus

The State of Haryana and others

... Respondents

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

Present : Mr. Vikram Punia, Advocate for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award of the Reference Court, Sonapat dated 23.02.2018. The Reference Court has awarded a sum of ₹344/- per square yard, for the land measuring 30.53 acres which was acquired vide notification dated 20.01.2003 issued under Section 4 of the Act for the land of village Rewli, Tehsil & District Sonapat.

The public purpose was for development and utilization of land as residential and commercial areas in Sector 8 and 19, Sonapat. The Land Acquisition Collector (for short 'the LAC') vide Award No.10 dated 14.01.2006 had awarded ₹12,50,000/- per acre, which has been enhanced to ₹16,64,960/- per acre.

Counsel for the appellant has submitted that the basis as such was an earlier award passed by the Reference Court in **LA Case No.315 of 09.11.2011 'Gram Panchayat, Kumaspur VS. Land Acquisition**

Collector etc.' decided on 18.05.2013. It is submitted that in **RFA No.215 of 2014 'Ravinder Kumar @ Ravinder and others Vs. The State of Haryana and others'** decided on 20.11.2015, the amount has been enhanced to ₹410/- per square yard (₹19,84,400/- per acre) and thus, submitted that the landowner is entitled for the same benefit.

Counsel for the State could only object to this extent that the said judgment refers to villages Kumaspur, Raipur and Nangal Khurd. A perusal of said judgment passed in **Ravinder Kumar @ Ravinder (supra)** would go on to show that the notification in question is the same and the purpose of acquisition is the same. The villages in question in the said appeal were Kumaspur, Raipur and Nangal Khurd, whereby land measuring 40.63 acres, 48.56 acres, and 65.35 acres, respectively, had been acquired. Awards in question were No.6, 7 and 9 dated 14.01.2006 of the Land Acquisition Collector, whereas in the present case the award is bearing No.10. The amount of compensation assessed by the Land Acquisition Collector was also the same.

The site plan has been duly perused to see the location as such of the villages Nangal Khurd, Kumaspur and Raipur. Sectors 8 and 19, Sonapat are abutting the National Highway No.1, which leads from Delhi to Chandigarh and the land falls on the left side, which coming to Chandigarh.

Villages Kumaspur and Nangal Khurd are across the road on the eastern side of the highway and abadi area falls on the right. Abadi area of village Raipur falls on the left side. Village Rewli also falls on

the left side and is identically placed as Raipur and has contributed land which was acquired for the development of Sectors 8 and 19, Sonapat. Thus, it can be categorically held that the land is identically situated and has same potential.

Thus, this Court is of the opinion that the judgment passed in the case of **Ravinder Kumar @ Ravinder (supra)** would as such directly cover the facts of the present case also. Relevant portion of the said judgment reads as under:-

“For the land of villages Sultanpur and Raipur acquired vide notifications under Section 4 of the Act dated 19.10.2001 and 20.10.2001 for development and utilisation thereof as residential and commercial area in Sectors 5 & 6, Sonapat, this Court in RFA No. 3810 of 2013 *Raghubir Singh and another vs State of Haryana and another* decided today separately assessed the compensation @ ₹ 353/-per square yard. There is a time gap of one year and three months in the present acquisition. In the absence of any sale-deed produced on record by the landowners, but still considering the location and development in the area, in my opinion, the landowners in the present case deserve to be granted increase for the time gap in two acquisitions @ 12% per annum cumulatively. If the amount is added in ₹ 353/- by granting increase @ 12% per annum, the amount of compensation shall come out to ₹ 407.22 per square yard, which is rounded off to ₹ 410/- per square yard.

For the reasons mentioned above, the appeals are allowed. The landowners are awarded compensation @ ₹ 410/- per square yard. They shall also be entitled to all the statutory benefits available to them under the Act.”

Thus, the appeal is also disposed of in the same terms and

the appellant is held entitled for the same amount of compensation
alongwith all statutory benefits.

JULY 25, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

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