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

RFA No. 1042 of 2022 (O&M)

Date of Decision: 20.11.2023

Vijay Kumar Mittal (Deceased) through his LRs

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.N. Pillania, Advocate
for the appellants – landowners.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-2578-CI-2012

Prayer in the present application is for condonation of delay of 1978 days in filing the appeal.

Upon notice, no reply has been filed; however, learned State Counsel opposes the prayer made in the application.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by Smt. Deepti Mittal, who is one of the legal representatives of deceased-Vijay Kumar Mittal.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the modified enhanced amount of compensation pertaining to the acquired land falling in same revenue estate(s), in view of judgment dated 30.10.2015 passed in **RFA-9821-2014**, titled **“Baru and others Versus State of Haryana”**, which stood attained finality upto the Hon'ble Supreme Court.

Based thereupon, applying the principles of parity, besides awarding of just and fair compensation and relying upon the decision of Hon'ble Supreme Court in case of ***"Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another"***, **2020 (19) SCC 599** as well as in view of the contents of application, the same is **allowed** and delay of 1978 days in filing the appeal is hereby condoned, subject to denial of interest for the delayed period.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act"), to modify the award dated 25.07.2014 passed by learned Additional District Judge, Jind (hereinafter to be referred as "Reference Court") seeking enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance to Haryana Govt. Notification dated 09.09.2002 issued under Section 4 of the Act, followed by Notification dated 08.09.2003 issued under Section 6 thereof, the land measuring 307.77 out of 380.11 acres, situated in the area of **Village Jind**, Hadbast No. 79 and 95.25 out of 98.89 acres of land in **Village Haibatpur**, Hadbast No. 72, Tehsil & District Jind, for development and utilization thereof as residential and commercial Sectors 6, 7, 8 & 9 at Jind, was acquired. The Land Acquisition Collector, Jind (for short "LAC") vide Award No. 6 dated 06.09.2005, assessed the market value of the acquired land of revenue estate Jind @ ₹ 10 lacs per acre for near the road upto one acre depth and ₹ 7 lacs per acre for the remaining land. Vide Award No. 7, dated 06.09.2005, the LAC awarded compensation @ ₹ 6 lacs per acre for the land near the road upto one acre depth and ₹ 5.50 lacs per acre for the remaining land of Village Haibatpur.

[3] Dissatisfied with the aforesaid Award Nos. 6 & 7, dated 06.09.2005, landowners / interested persons filed objections under Section

18 of the Act, which were decided vide award dated 30.08.2008 by Reference Court, whereby the market value of the acquired land pertaining to **Village Jind** was determined @ ₹ 8 lacs per acre for the land situated beyond one acre from the road and ₹ 12 lacs per acre for the land situated upto one acre depth from the road, as also for *Nehri, Chahi* and *Gair Mumkin* land. Also, the Reference Court assessed the market value of the acquired land pertaining to **Village Haibatpur** @ ₹ 6 lacs per acre for the land situated beyond one acre depth from the road and ₹ 7 lacs per acre for the land situated upto one acre depth from the road.

[4] Aggrieved with the award dated 30.08.2008 (supra) passed by the Reference Court, the parties approached this Court in a batch of appeals, which came to be disposed off on 21.08.2013, lead case of which was **RFA No. 5823 of 2008**, titled “**Santosh Devi and others Versus State of Haryana and another**”, thereby remitting the cases back to the Reference Court, for fresh adjudication.

[5] On remand, the matter was decided by Reference Court vide award dated 25.07.2014, whereby the market value for the acquired land in the **revenue estate of Jind** relating to Award No. 6, was assessed @ ₹ 8,47,000/- per acre for the land situated beyond one acre from the road and ₹ 11,02,000/- per acre for the land situated upto one acre depth from the metaled roads i.e. Somnath Mandir Road, Shaheed Udham Singh Marg, Jind-Safidon road, for *Nehri, Chahi* and *Gair Mumkin* kinds of land. Further, for the land of **revenue estate of Village Haibatpur** relating to Award No. 7, the compensation was assessed @ ₹ 6,78,000/- per acre for the land situated beyond one acre from the Safidon Road and Jind–Haibatpur Road; ₹ 8,82,000/- per acre for the land situated upto one acre depth situated / abutting on Jind–Safidon road of Village Haibatpur and ₹ 8,14,000/- per acre for the land situated upto one acre depth on each side

of Jind–Habitpur road of Village Haibatpur. Still dissatisfied, the appellants-landowners filed the present appeal.

[6] Aggrieved thereof, appeals preferred by some other landowners, were disposed off by this Court on 30.10.2015, lead case of which was ***RFA No. 9821 of 2014***, titled ***“Baru and others Versus State of Haryana”***, thereby assessing compensation @ ₹ 350/- per square yard for the land just abutting the road, whereas the value for the land beyond the depth of two acres from the road, was assessed @ ₹ 250/- per square yard, irrespective of quality of land, apart from other statutory benefits.

[7] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 30.10.2015 passed in case of ***Baru and others (supra)***, arising out of the same notification, vide which the land of appellants had been acquired.

[8] Learned State Counsel is not in a position to controvert the above factual position; however, opposes the payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court. He also submits that even the SLP No(s). 29464-29472 of 2016 arising out of order dated 30.10.2015 (supra), filed at the instance of landowner(s), stood dismissed vide order dated 11.08.2017 passed by the Hon’ble Supreme Court.

[9] I have heard learned counsel for the parties and gone through the paper-book.

[10] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 30.10.2015 passed in case of ***Baru and others (supra)***, which is arising out of the same acquisition / Notification dated 09.09.2002 covering the same revenue estates of ***Village Jind and Haibatpur, Tehsil & District Jind***, whereby the landowners have been held entitled for the modified amount of compensation. For reference,

relevant paras-29 & 30 of judgment dated 30.10.2015 passed in case of **Baru and others (supra)** reads as under:-

“ 29. In view of my aforesaid discussions, in my opinion, the value of the land just abutting the road deserves to be assessed @ ₹ 350/- per square yard, whereas the land which is beyond the depth of 2 acres from the road deserves to be assessed @ ₹ 250/- per square yard, irrespective of quality of land as the land being chahi or barani loses its significance once it is fit for urbanisation.

30. The landowners shall also be entitled to all statutory benefits available under the Act. ”

[10.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 30.10.2015 in case of **Baru and others (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except payment of interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[11] **Disposed off** in the above terms.

[12] Pending application(s), if any, shall also stand(s) disposed off.

November 20, 2023

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**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No