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

**RFA No. 2210 of 2019 (O&M)
Date of Decision: 29.08.2023**

Avtar Singh

...Appellant

Versus

The State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chirag Kundu, Advocate
for the appellant.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-5491-CI-2019

Prayer in the present application moved on behalf of the applicant-appellant is for condonation of delay of 2105 days in filing the appeal.

Upon notice, no reply has been filed; however, learned State Counsel vehemently 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 an affidavit of the applicant-appellant.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been

held entitled for the enhanced amount of compensation pertaining to the acquired land falling in the same revenue estate, i.e. **Village Kheri Khurd, Tehsil & District Faridabad**, to the tune of Rs. 2814/- per square yard, in view of judgment dated 13/14.07.2021 passed by Hon'ble Supreme Court in **Civil Appeal No. 2903 of 2021**, titled **"Banwari Lal & Anr. Versus State of Haryana & Ors."**.

Based thereupon, applying the principle of parity, besides awarding 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 prayer is **allowed** and delay in filing the appeal, as mentioned above, is hereby condoned.

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 18.03.2013 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as "Reference Court") seeking enhancement of compensation amount.

[2] In pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 14.08.2008, followed by Notification dated 30.08.2008 under Section 6 thereof, the land measuring 51.46 acres, including the land of appellant, situated in the revenue estate of Village **Kheri Khurd**, Tehsil & District Faridabad, was acquired. The public purpose for acquisition of the land was stated to be Development & Utilization of Master Plan Roads of Sectors 75 to 89,

Faridabad. The Land Acquisition Collector, Urban Estate, Faridabad, Haryana (for short "LAC"), vide Award No. 8, dated 27.08.2010, assessed the market value of acquired land @ Rs. 42,00,000/- per acre alongwith other statutory benefits.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which was decided vide award dated 18.03.2013 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1118/- per square yard, besides granting statutory benefits.

[4] It is pertinent to mention here that the matters pertaining to the enhancement were remanded by the Apex Court in ***Civil Appeal No(s) 21014-21016 of 2017***, titled "***Premwati & Ors. Versus State of Haryana & Anr.***", decided on 06.12.2017, after those were decided in the first round by a Coordinate Bench of this Court on 16.09.2015 in '***Rampal and others Vs. Land Acquisition Collector and another***', 2016 (1) RCR (Civil) 494. Thereafter, the matter was again decided by Single Bench of this Court vide judgment dated 31.05.2019 in ***Ram Pal's case (supra)***, whereby the market value for the acquired land with regard to the notification dated 14.08.2008 pertaining to Villages Neemka, Fajjupur Majra Neemka, **Kheri Khurd**, Faridpur, Kheri Kalan, Bhupani, Riwajpur and Tikawali, was fixed @ Rs. 1760/- per square yard (Rs. 85,18,400/- per acre).

[5] Against the judgment dated 31.05.2019 (supra), both parties approached Hon'ble Supreme Court in a batch of appeals, lead case of which was ***Civil Appeal No. 2903 of 2021***, titled

“Banwari Lal & Anr. Versus State of Haryana & Ors.”, which have been decided on three different dates, 08.07.2021, 13.07.2021 & 14.07.2021.

[6] It is contended by learned counsel for the appellant(s) that present appeal is squarely covered with the judgment of **Banwari Lal's case (supra)**, arising out of the same notification vide which the land of appellant was acquired.

[7] Learned State Counsel is not in a position to controvert the factual aspect that the main appeal is covered in terms of judgment of **Banwari Lal's case (supra)**; however, opposes payment of interest for the period, the appellant failed to approach this Court after the decision of Reference Court.

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

[9] From the records, it is apparent that the present appeal is squarely covered with the judgment of **Banwari Lal's case (supra)**, which is arising out of the same acquisition / Notification dated 14.08.2008 covering the same revenue estate i.e. **Village Kheri Khurd, Tehsil & District Faridabad**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 2814/- per square yard. For reference, the relevant paras of judgment dated 13/14.07.2021 passed in case of **Banwari Lal's (supra)** (at page Nos. 69 to 71) read as under:-

“ Village : Kheri Khurd

As regards lands situated in village Kheri Khurd, in all, five sale instances have been relied upon by the High Court while determining the rate at Rs.1760/- per sq.yd.

As regards Exhibit P-11 dated 01.08.2006, that pertains to year 2006. Hence it is being discarded. Exhibit P-1 dated 14.02.2008, Exhibit P-14 dated 07.03.2008, Exhibit P-10 dated 23.04.2008 and Exhibit P-13 dated 23.05.2008 are closest to the date of third notification dated 14.08.2008. In Exhibit P-1, the sale consideration is mentioned at Rs.3512/- per sq.yd., in Exhibit P-14 at Rs.3512/- per sq.yd., in Exhibit P-10 at Rs.3518/- per sq.yd. and in Exhibit P-13 at Rs.3512/- per sq.yd. These sale instances are between 14.02.2008 till 23.05.2008 and more or less, have similar consideration amount.

Accordingly, we accept these sale instances as relevant for determining the fair market price. We take Rs.3518/- per sq.yd. as the base price and after deducing 20% cent therefrom, the fair market price is worked out at Rs.2814/- (rounded off) per sq.yd. (i.e., Rs.3518/- minus Rs.704/-).

Accordingly, we modify the award to the extent of providing fair market price of land situated in Village Kheri Khurd at Rs.2814/- (Rupees two thousand eight hundred fourteen only) per sq.yd.

Hence, the appeal(s) filed by the State challenging the enhancement by the High Court stand rejected, whereas the appeal(s) filed by the claimant(s) for enhancement are partly allowed to the above extent. Rest of the benefits including statutory benefits awarded by the High Court shall remain undisturbed. ”

[9.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowner / appellant being similarly situated is held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 13/14.07.2021 in case of **Banwari Lal (supra)**, alongwith all other statutory benefits and interest thereupon as

provided under the Act, except payment of interest for the period the appellant did not approach this Court after passing of Reference Court's Award.

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

Pending application(s), if any, shall stand(s) disposed off.

August 29, 2023

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**(HARKESH MANUJA)
JUDGE**

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