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

**RFA No. 1188 of 2022 (O&M)
Date of decision: 29.08.2023**

Khazani and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vivek Suri, Advocate
for the appellants.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-3096-CI-2022

Prayer in the present application under Section 5 of Limitation Act, is for condonation of delay of 1587 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 one of the applicants, namely, Naveen Kumar (appellant No. 3).

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 **Village Kheri Sadh, Tehsil & District Rohtak** to the tune of Rs. 42,51,000/- per acre vide judgment dated 16.03.2022 passed by this Court in **RFA No. 1537 of 2016**, titled **“Smt. Chander (since deceased) through her legal heirs and others Versus State of Haryana and others”**.

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 same is **allowed** and delay in filing the appeal, as mentioned above, is hereby condoned.

MAIN APPEAL

The appellants / landowners, by instituting the present appeal preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) are seeking modification of the award dated 15.12.2015 passed by learned Additional District Judge, Rohtak (hereinafter to be referred as “Reference Court”) for enhancement of the compensation amount.

[2] Paper-book reveals that State of Haryana issued a Notification under Section 4 of the Act on 15.12.2006 for acquisition of land measuring 401.52 acres, including land of appellants, situated in **Village Kheri Sadh, Tehsil & District Rohtak**, which was followed by

notification dated 14.12.2007 under Section 6 thereof, whereas only 340.26 acres of land was acquired. The public purpose for acquisition of land was stated to be carving out Residential, Transport, Commercial, Communication & Recreational, Sector-26, Rohtak. The Land Acquisition Collector, Rohtak (for short "LAC"), vide Award No. 23 dated 03.07.2009, assessed the market value of acquired land @ Rs. 20 lakh per acre for all types of lands.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 15.12.2015 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 22,75,000/- per acre, besides granting statutory benefits. Aggrieved thereof, the appellants have preferred the present appeal.

[4] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 16.03.2022 passed in ***RFA No. 1537 of 2016***, titled "***Smt. Chander (since deceased) through her legal heirs and others Versus State of Haryana and others***", arising out of the same notification, vide which the land of appellants had been acquired.

[5] Notice of motion.

[6] Learned State Counsel accepts notice and is not in a position to controvert the above factual position; however, opposes payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court.

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

[8] From the records, it is apparent that the present appeal is squarely covered with the judgment of **Smt. Chander's case (supra)**, which is arising out of the same acquisition / Notification dated 15.12.2006 covering the same revenue estate i.e. **Village Kheri Sadh, Tehsil & District Rohtak**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 42,51,000/- per acre as market value alongwith other statutory benefits and interests. For reference, the relevant para-8.1 of judgment dated 16.03.2022 passed in **Smt. Chander's case (supra)** reads as under:-

“ xxxx

From the foregoing discussion, it is evident that the most reliable sale exemplar reflecting highest price is sale deed dated 10.01.2006 bearing no.11511. Through this sale instance, 34 kanals and 11 marlas of land, which is more than 4 acres, has been purchased. This parcel of land forms a part of the acquired land. This sale deed is of a period slightly more than 11 months prior to date of notification under Section 4 of the 1894 Act. Keeping in view the fact that the various developers had started purchasing the land in the area and there are more than 10 sale instances showing that the real estate developers were purchasing the land in the area for carving out residential colonies, therefore, it is safe to assume that the price would have increased to some extent. Therefore, while increasing the price by 9% per annum on Rs.39,00,000/- per acre, the market value on 15.12.2006 comes to Rs.42,51,000/- per acre. ”

[8.1] 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 16.03.2022 passed in case of **Smt. Chander (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.

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

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

August 29, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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