

274-3

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

**RFA No. 2609 of 2021 (O&M)
Date of Decision: 13.10.2023**

Chander Kala

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Gupta, Advocate
for the appellant.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), to modify the award dated 17.12.2019 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] Briefly, the facts are that 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 94.44 acres, including the land of appellant, situated in revenue estate of Village **Neemka**, 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, Haryana, Faridabad (for short "LAC"), vide Award No. 10, 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, landowner(s) / interested person(s) filed objections under Section 18 of the Act, which were decided vide award dated 17.12.2019 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1760/- per square yard besides granting statutory benefits, in view of judgment dated 31.05.2019 passed by this Court in ***RFA-7108-2012***, titled ***"Ram Pal and others (II) Versus Land Acquisition Collector and another"***.

[4] It is pertinent to mention here that the matters pertaining to the enhancement were remanded by the Hon'ble 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 by Coordinate Bench of this Court in the first round on 16.09.2015 in case of ***'Rampal and others Versus 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 case of ***Ram Pal and others (II) (supra)***, whereby the market value of 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, Riwapur and Tikawali, was fixed @ Rs. 1760/- per square yard (Rs. 85,18,400/- per acre).

[5] Against the judgment dated 31.05.2019 (*supra*), parties again 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] Notice of motion.

[8] Learned State Counsel accepts notice and not in a position to dispute that main appeal is covered in terms of judgment of ***Banwari Lal's case (supra)***.

[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 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 Neemka, Tehsil & District Faridabad**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 2186/- 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. 53 to 55) read as under:-

“ Village : Neemka

Heard Dr. Monika Gusain, learned counsel for the State of Haryana and Mr. Rana Mukherjee, learned senior counsel appearing for the claimants landowners.

As regards lands situated in village Neemka, covered under the third notification dated 14.08.2008, the High Court has awarded rate of Rs.1760/- per sq.yd.

In all, five sale instances have been referred to by the High Court.

The highest consideration is in respect of sale instance, Exhibit P-12/10 concerning 105 Kanals and 10 Marlas, executed on 19.03.2007. Learned counsel for the State, however, places emphasis on sale instance dated 20.04.2006 for Rs.1271/- per sq.yd. That cannot be taken into account as admittedly, there are two notifications issued before the third notification dated 14.08.2008.

Similarly, the claimants would rely on Exhibits P-8 and P-17, each mentioning consideration amount of Rs.3099/- per sq.yd. These sale instances are after the date of third notification and hence discarded.

Accordingly, we reckon the sale deed dated 19.03.2007 exhibited as P-12/10 mentioning consideration amount at Rs.2542/- per sq.yd. That can be taken as the base value.

Since the said sale instance was executed more than one year before the issuance of third notification, an increase of 7.5% per annum is allowed. Further, 20% deduction towards development charges as in other cases have been provided.

As a result, the fair market price of the land is Rs. 2186/- (Rupees two thousand one hundred eighty-six only) per sq.yd. (i.e., Rs.2542/- plus Rs.191/- minus Rs.547/-).

Accordingly, the award stands modified to this limited extent while retaining the other benefits including statutory benefits granted to the claimants.

Hence the appeal(s) filed by the State stand dismissed, whereas filed by the claimant(s) are partly allowed in the above terms. ”

[10.1] 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.

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

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

October 13, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

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