

RFA No. 2420 of 2021 (O&M) and
RFA No. 702 of 2022 (O&M)

2023:PHHC:109280

304 (11th & 23rd)

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

(1) RFA No. 2420 of 2021 (O&M)
Date of Decision: 21.08.2023

M/s. Shalimar Town Planner Private Limited

...Appellant

Versus

State of Haryana and others

...Respondents

(2) RFA No. 702 of 2022 (O&M)

Bhudev @ Bhudutt (deceased) through LRs and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Adarsh Jain, Advocate
for the appellant(s) (in both cases).

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

Applications for condonation of delay

In RFA No. 2420 of 2021, application has been filed for condonation of delay of 1682 days in filing the appeal; whereas in RFA No. 702 of 2022, application has been moved for condonation of delay of 1029 days in filing the appeal.

Upon notice, no reply has been filed, however, learned State Counsel vehemently opposes the prayer made therein.

I have heard learned counsel for the parties and gone through the contents of the applications, which have been supported by the affidavit(s).

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 Faijupur Majra Neemka, Tehsil & District Faridabad**, to the tune of Rs. 2509/- 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 applications, the same are **allowed** and delay in filing the appeals, as mentioned above, are hereby condoned.

MAIN APPEAL(S)

This order shall dispose off present two appeals bearing RFA Nos. 2420 of 2021 and 702 of 2022, as the same arise out of common acquisition.

[2] The landowners, by instituting the present appeals preferred under Section 54 of the Land Acquisition Act, 1894 (for

short “the Act”), are seeking modification of the awards dated 05.05.2015 & 09.02.2017 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) for enhancement of compensation amount.

[3] In pursuance to 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 69.46 acres, including the land of appellant(s), situated in the revenue estate of Village **Faijupur Majra 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. 11, dated 27.08.2010, assessed the market value of acquired land @ Rs. 42,00,000/- per acre alongwith other statutory benefits.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which was decided vide awards dated 05.05.2015 & 09.02.2017 by learned Reference Court(s), whereby the market value of the acquired land was enhanced / assessed @ Rs. 1118/- & 1870/- per square yard in respective appeals, besides granting statutory benefits.

[5] It may be added here that in the original reference of RFA No. 702 of 2022, there was a dispute regarding apportionment of compensation *qua* which a compromise was arrived at between the parties before the Reference Court itself; thus, the same does not

survive at this stage in the said appeal; therefore, the matter only relates to enhancement of compensation.

[6] It is pertinent to mention here that the matters pertaining to the enhancement were remand 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 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 learned 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).

[7] 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.

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

[9] Learned State Counsel is not in a position to dispute that on the point of quantum of compensation, main appeals are covered

in terms of judgment of **Banwari Lal's case (supra)**; however, opposes payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court.

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

[11] From the records, it is apparent that the present appeals are 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 Faijupur Majra Neemka, Tehsil & District Faridabad**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 2509/- 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. 55 to 57) read as under:-

“ Village : Fajjupur Majra Neemka

Heard Dr. Monika Gusain, learned counsel for the State of Haryana and Mr. Sanchar Anand, learned counsel appearing for the claimants-landowners.

As regards the lands situated at village Fajjupur Majra Neemka, covered under the third notification dated 14.08.2008, the High Court has awarded Rs.1760/- per sq.yd. as the fair market price.

The claimants have relied on five sale instances executed between May 2006 until May 2008. In our opinion, the thumb rule of mean can be applied, for determining the fair market price of the lands in question. For determining the mean of the five sale instances, we reckon the consideration amount noted therein as follows: -

- (i) dated 10.05.2006 for Rs.1404/- per sq.yd.,*
- (ii) dated 16.05.2006 for Rs.2892/- per sq.yd.,*
- (iii) dated 03.08.2006 for Rs.2685/- per sq.yd.,*

(iv) dated 08.08.2006 for Rs.2727/- per sq.yd.; and

(v) dated 16.05.2008 for Rs.1653/- per sq.yd.

The mean amount would come to Rs.2272/-. It needs to be underscored that lands in village Fajjupur Majra Neemka were also covered under the second notification (dated 07.02.2008). In reference to the sale instances relied upon therein, after applying the thumb rule of mean, the amount has been worked out as Rs.2727/- per sq.yd., as can be seen from the earlier part of this order.

Accordingly, we deem it appropriate to apply the same rate to the lands situated in the same village covered under the third notification (dated 14.08.2008), which had been issued only six months after the second notification (dated 07.02.2008).

*Thus, applying the same rate to the lands situated in village Fajjupur Majra Neemka covered under the third notification including the computation of fair market price determined in respect of the lands covered under the second notification of the same village, **the fair market price of lands covered under the third notification is also fixed at Rs.2509/- (Rupees two thousand five hundred nine only) per sq.yd.***

The award stands modified to this limited extent while retaining the other benefits including statutory benefits granted to the claimants in respect of the subject lands.

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

[11.1] 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 13/14.07.2021 in case of **Banwari Lal (supra)**, alongwith all other statutory benefits and interest thereupon as

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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.

[12] Disposed off in the above terms.

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

August 21, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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