

CM No. 3491-CI of 2023 in/and
RFA No. 2734 of 2019 (O&M)

2023:PHHC:103743

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

**CM No. 3491-CI of 2023 in/and
RFA No. 2734 of 2019 (O&M)
Date of Decision: 10.08.2023**

Dalpat and another

...Appellants

Versus

The Land Acquisition Collector, Faridabad and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kul Bhushan Sharma, Advocate
for the appellants.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-3491-CI-2023

Prayer in the present application moved on behalf of the applicants-appellants, is for preponing the date of hearing of main case from 21.08.2023 to earlier date, in view of covered matter with judgment dated 13/14.07.2021 rendered by the Hon'ble Supreme Court passed in ***Civil Appeal No. 2903 of 2021***, titled ***"Banwari Lal and another Versus State of Haryana and others"***.

Notice of the application.

Learned State Counsel accepts notice on behalf of the non-applicant(s)/respondent(s)-State of Haryana and raises no objection against the prayer made in the application.

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In view of the above and contents of the application, which is duly supported by an affidavit of one of the applicants-appellant, the same is **allowed** and with the consent of learned counsel for parties, the main case is preponed from 21.08.2023 and taken up today itself.

RFA-2734-2019 (O&M)

CM-6512-CI-2019

Prayer in the present application under Section 151 CPC, is for condonation of delay of 1488 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 an affidavit of one the applicants-appellants.

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 same revenue estate, i.e. ***Village Baselwa, Tehsil & District Faridabad***, to the tune of Rs. 3704/- 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 same is **allowed** and delay of 1488 days in filing the appeal 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 27.03.2015 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) and for enhancement of compensation amount.

[2] Paper book reveals that State of Haryana issued a Notification dated 14.08.2008 under Section 4 of the Act, for acquisition of land measuring 70.99 acres, including land of appellants, situated in **Village Baselwa, Tehsil & District Faridabad**, which was followed by a declaration dated 30.08.2008 under Section 6 thereof. 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. 1, 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 27.03.2015 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 2900/- per square yard, besides granting statutory benefits.

[4] Aggrieved thereof, the State of Haryana preferred RFA-1554-2016, which was decided by this Court vide order dated 12.12.2016 in the same terms of **RFA-7108-2012**, titled “**Rampal and others Versus Land Acquisition Collector and another**”, thereby awarding compensation @ Rs. 2000/- per square yard alongwith statutory benefits. Later on, some other landowners challenged the judgment passed in **Ram Pal’s case (supra)** before the Hon’ble Supreme Court, which came to be set aside on 06.12.2017 in **Civil Appeal No(s) 21014-21016 of 2017**, titled “**Premwati & Ors. Versus State of Haryana & Anr.**”, thereby remanding the matter back for fresh adjudication.

[5] Again the matter was 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 Budhena, **Baselwa** and Mawai, was fixed @ Rs. 3,300/- per square yard (Rs.1,59,72,000/- per acre).

[6] Against the judgment dated 31.05.2019 (supra), 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.

[7] It is contended by learned counsel for the appellants 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 applicants-appellants had been acquired.

[8] Learned State Counsel is not in a position to dispute about the disposal of the main appeal 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.

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

[10] Concededly, 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 Baselwa, Tehsil & District Faridabad**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 3704/- 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. 38 to 40) read as under:-

“ Village : Baselwa

Heard Dr. Monika Gusain, learned counsel for the State of Haryana and Mr. Pallav Shishodia, learned senior counsel appearing for the claimants-landowners.

As regards land situated in village Baselwa, covered under the third notification dated 14.08.2008, the High Court has determined the fair market price at Rs. 3300/- and Rs.2970/- per sq.yd., respectively.

The High Court has adverted to three sale instances Exhibited as P-24, P-25 and P-10, dated 28.12.2006, 28.12.2006 and 24.12.2007 respectively.

As regards sale instances of 28.12.2006 of the same day, one at Rs.3657/- per sq.yd. and the other is at Rs.4396/-

per sq.yd. The third sale instance is dated 24.12.2007 for Rs.5062/- per sq.yd.

As regards the third sale instance (Exhibit P-10 dated 24.12.2007 for Rs.5062/- per sq.yd.), the same is after the proposal for acquisition was submitted to the competent authority on 29.06.2007. Hence, that sale instance cannot be taken into account. We discard the same.

Reverting to the two sale instances dated 28.12.2006, the High Court has discarded sale instance of Rs.3657/- on the ground that the land in question was a leasehold land. The fact remains that another land in the same village ad-measuring 78 Kanals 18 Marlas was sold for Rs.4396/- per sq.yd. on the same day.

As a result, we are persuaded to take the mean of these two sale instances (Exhibits P-24 and P-25, both dated 28.12.2006) which comes to Rs.4026/- (rounded off) per sq.yd.

This market price, in our opinion, can be taken as base value of the land to which an increase at the rate of 7.5% per annum needs to be granted. After giving that benefit, deduction of 20% will have to be provided for development charges as provided in other cases.

Accordingly, the fair market value of the lands situated in Village Baselwa, covered under the third notification comes to Rs.3704/- (Rupees three thousand seven hundred four only) per sq.yd. (i.e., Rs.4026/- plus Rs.604/- minus Rs.926/-).

Mr. Pallav Shishodia, learned senior counsel appearing for the landowners, submits that the lands in village Baselwa, covered under the third notification, come within the urban area.

We do not find merit in this submission and for giving further enhancement. This prayer stands rejected because we have taken over all view of the matter to give benefit to the land owners to the extent possible, which means, we have taken into account all the relevant circumstances of the case.

It is also because the sale instances relied upon by the State which are of lesser value, have been discarded by us.

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. ”

[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 others 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 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.

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

August 10, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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