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

**RFA No. 3189 of 2019 (O&M)
Date of Decision: 31.10.2023**

Murti Devi

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Lamba, Advocate
for the appellant-landowner.

Mr. Arun Beniwal, Senior Deputy Advocate General, Haryana
for respondent Nos. 1 & 2.

HARKESH MANUJA, J.

CM-7692-CI-2019

Prayer in the present application moved on behalf of the applicant-appellant, is for condonation of delay of 2696 days in filing the appeal.

Upon notice, reply has been filed on behalf of respondent Nos. 1 & 2-State, and, *inter alia*, prayed for dismissal of the said application, the delay being inordinate.

I have heard learned counsel for the parties and gone through the contents of the application, duly supported by the affidavit of 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 same revenue estates, i.e. **Villages Ferozepur & Agwanpur, Tehsil & District Palwal**, in view of judgment dated 02.11.2017 passed by the Hon'ble Supreme Court in **Civil Appeal No. 18381 of 2017** (arising out of SLP (C) No. 20674 of 2016), titled **"Adani Logistics Ltd. Versus Land Acquisition Collector and 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 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 24.12.2011 passed by learned Additional District Judge, Palwal (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 15.06.2006, followed by Notification dated 14.06.2007 under Section 6 thereof, land measuring 145.33 of Village **Ferozepur**, Hadbast No. 64; 42.08 acres of Village **Agwanpur**, Hadbast No. 65, Tehsil & District Palwal, was sought to be acquired. The public purpose for acquisition of the land was stated to be for development and utilization as Transport Nagar, Sector-21, Palwal under the Haryana Urban Development Authority. The Land Acquisition Collector, Palwal (for short "LAC"), vide Award Nos. 9 & 10, dated 09.06.2009,

assessed the market value of acquired land @ Rs. 16,00,000/- per acre for all types of land alongwith other statutory benefits.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 24.12.2011 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 17,00,000/- per acre, besides granting statutory benefits.

[4] Aggrieved thereof, appeals preferred by some other landowners, were disposed off by this Court on 10.12.2015, lead case of which was ***RFA No. 5231 of 2014***, titled ***“Bhagwan Dass Versus State of Haryana and others”***, thereby awarding compensation @ Rs. 22,80,000/- per acre, after applying 40% cut upon Rs. 38,00,000/- for the purpose of assessment of compensation. However the said order was modified by the Hon'ble Supreme Court vide judgment dated 02.11.2017 in a batch of appeals, lead case of which was ***Civil Appeal No. 18381 of 2017*** (arising out of SLP (C) No. 20674 of 2016), titled ***“Adani Logistic Ltd. Versus Land Acquisition Collector & Ors.”***, whereby the deduction of 15%, instead of 40%, towards development which had taken place around the acquired land, was made.

[5] It is contended by learned counsel for the appellant that present appeal is squarely covered with the judgment dated 02.11.2017 passed in ***Adani Logistic Ltd.'s case (supra)***, arising out of the same notification vide which the land of appellant was acquired.

[6] Learned State Counsel is not in a position to dispute the afore-stated factual position about judgment dated 02.11.2017 passed in ***Adani Logistic Ltd.'s case (supra)***; however, opposes payment of interest for the period, the appellant failed to approach this 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 dated 02.11.2017 of **Adani Logistic Ltd.'s case (supra)**, which is arising out of the same acquisition / Notification dated 15.06.2006 covering the same revenue estates i.e. **Villages Ferozepur & Agwanpur, Tehsil & District Palwal**, whereby the landowners have been held entitled for the modified / enhanced amount of compensation @ Rs. 32,30,000/- per acre; though, it was reduced by 15%, instead of 40%, towards development, vide judgment dated 02.11.2017 passed by the Hon'ble Supreme Court in **Adani Logistic Ltd.'s case (supra)**. For reference, the relevant paras of judgment dated 02.11.2017 passed in case of **Adani Logistic Ltd. (supra)** reads as under:-

“ In the instant case, sale instance was for approx. 5 acres; it was a bonafide transaction and has been rightly relied upon. Thus for smallness of area, no deduction was permissible as sale deed was for 5 acres. For the development, however, certain deduction was definitely required to be made. But deduction of 40% that has been made for smallness as well as for development, could not be said to be appropriate. Reliance has been placed on a decision of this court wherein, land had been acquired on Delhi Gurgaon Road with more or less similar kind of development; 15% deduction towards development was held to be sufficient in the peculiar facts of the said case. Though deduction on higher side can also be made for development, but it would depend upon the facts of each case. In the instant case, considering the development that has taken place around the land, and the situation of the land being near the market, the aforesaid deduction would be appropriate.

Hence, in our considered opinion, instead of 40%, 15% deduction would be appropriate; rest of the Award is not disturbed. The payment be made as early as possible within four months.

The appeals are allowed to the aforesaid extent. ”

[8.1] 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 02.11.2017 in case of ***Adani Logistics Ltd.'s case (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.

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

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

October 31, 2023

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**(HARKESH MANUJA)
JUDGE**

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