

304-22

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

**RFA No. 21 of 2022 (O&M)
Date of Decision: 21.08.2023**

Ravinder Kumar through his LRs

...Appellant(s)

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chirag Kundu, Advocate
for the appellant(s).

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-47-CI-2022

Application is **allowed**, as prayed for, subject to all just exceptions. The persons mentioned in para-3 of the application are ordered to be brought on record as legal representatives of the appellant-Ravinder Kumar to pursue the appeal.

CM-48-CI-2022

Prayer in the present application moved on behalf of the applicant-appellant(s) is for condonation of delay of 2252 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 application, which has been supported by an affidavit of one of the LRs of applicant, namely, Roshni, who is wife of the deceased/appellant-Ravinder.

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 Neemka Tehsil & District Faridabad**, to the tune of Rs. 2186/- 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 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 10.10.2013 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as "Reference Court") seeking enhancement of compensation amount.

[2] 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 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, landowners / interested persons filed objections under Section 18 of the Act, which was decided vide award dated 10.10.2013 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1118/- per square yard, besides granting statutory benefits.

[4] It may be added here that in the original reference, 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 present appeal; therefore, the matter only relates to enhancement of compensation.

[5] 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).

[6] 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.

[7] 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 applicants-appellants was acquired.

[8] Learned State Counsel is not in a position to dispute that on the point of quantum of compensation, main appeal is 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.

[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 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 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.

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

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

August 21, 2023

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**(HARKESH MANUJA)
JUDGE**

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