

CM No. 798-CI of 2023 in/and
RFA No. 1386 of 2013 (O&M); and
CM No. 799-CI of 2023 in/and
RFA No. 1389 of 2013 (O&M)

Neutral Citation No. 2023:PHHC:125408

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

(1) **CM No. 798-CI of 2023 in/and**
RFA No. 1386 of 2013 (O&M)
Date of Decision: 22.09.2023

Ram Kishan and others

...Appellants

Versus

The State of Haryana and others

...Respondents

(2) **CM No. 799-CI of 2023 in/and**
RFA No. 1389 of 2013 (O&M)

Rajender Singh and another

...Appellants

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ram Bilas Gupta, Advocate
for the applicants- appellants / landowners (in both cases).

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

This order shall dispose off present two appeals bearing
RFA Nos. 1386 & 1389 of 2013, as the same arise out of the common
acquisition / award.

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

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“the Act”), are seeking modification of the award dated 27.11.2012 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) for enhancement of compensation amount.

[3] In pursuance of Haryana Govt. Notification dated 01.05.2006 issued under Section 4 of the Act, followed by Notification dated 30.04.2007 under Section 6 thereof, the land measuring 54.44 acres, including the land of appellants, situated in the revenue estate of Village **Pehladpur**, Tehsil & District Faridabad, was acquired. The public purpose for acquisition of the land was stated to be development of residential and commercial areas in Sectors 75 & 80, Faridabad. The Land Acquisition Collector, Urban Estate, Faridabad, Haryana (for short “LAC”), vide Award No. 2, dated 24.04.2009, assessed the market value of acquired land @ Rs. 16,00,000/- per acre alongwith other statutory benefits.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed references under Section 18 of the Act, which were decided vide award dated 27.11.2012 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 585/- per square yard, besides granting statutory benefits.

[5] Aggrieved thereof, the landowners preferred their respective appeals, which were disposed off by this Court in terms of judgment dated 16.09.2015 passed in ***RFA-7108-2012***, titled ***“Rampal and others Versus Land Acquisition Collector and another”***, thereby awarding compensation @ Rs. 1230/- per square yard alongwith statutory benefits. Later on, some other landowners challenged the

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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.

[6] Again the matter was decided by 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 01.05.2006 pertaining to Village Sihi, which was falling within the limits of Municipal Corporation, Faridabad, the market value was fixed @ Rs. 1351/- per square yard (Rs. 65,38,840/- per acre), whereas for villages Badoli/Baroli, Sihi, Murtazapur, **Pehladpur** and Bhatola, those not falling in the municipal limits, the market value was fixed @ Rs. 1229/- per square yard (Rs. 59,48,360/- per acre).

[7] 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.

[8] Now, by way of filing two applications bearing CM No. 798-CI of 2023 & CM No. 799-CI of 2023 moved on behalf of the applicants-appellants in respective appeals, prayer has been made for disposal of the main appeals in terms of judgment dated 14.07.2021 rendered by the Hon'ble Supreme Court in **Banwari Lal's case (supra)**.

[9] It is contended by learned counsel for the applicants-appellants / landowners that present appeals are squarely covered with the judgment of **Banwari Lal's case (supra)**, arising out of the same

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notification vide which the land of applicants-appellants had been acquired.

[10] Upon notice of the applications, no reply has been filed; however, learned State Counsel does not dispute about the main appeals in terms of judgment of **Banwari Lal's case (supra)**; but opposes payment of interest for the period, the applicants-appellants failed to approach this Court after the decision of Reference Court.

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

[12] Concededly, the present appeals are squarely covered with the judgment of **Banwari Lal's case (supra)**, which are arising out of the same acquisition / Notification dated 01.05.2006 covering the same revenue estate i.e. **Village Pehladpur, Tehsil & District Faridabad**, whereby the landowners have been held entitled for the modified amount of compensation @ Rs. 805/- 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. 14 to 16) read as under:-

“ Village : Pehladpur

As regards village Pehladpur, identical factual position emerges as in the case of Village Badoli.

Even, in respect of this village around the time first notification dated 01.05.2006 came to be issued, the consistent market price - as can be discerned from four sale instances – is around Rs.805.00 per sq.yd. The other two relied upon sale instances, i.e. Exhibits P-4 and P-15, do indicate the market price as Rs.2582/- sq.yd. and Rs.2479/- per sq.yd. respectively. However, these sale instances are for smaller plots (of only 14K 0M and 10K 6M.) dated 02.05.2006 and 16.05.2006 respectively, by which time the draft proposal for acquisition was already in place.

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Accordingly, these two sale instances need to be discarded, which crucial aspect has been glossed over by the High Court.

It necessarily follows that the fair market price in respect of lands situated within village Pehlادpur would be around Rs.805/- per sq.yd. Nevertheless, we are inclined to give the same amount of compensation as given in the case of Village Badoli, referred to above.

Mr. Ranbir Yadav, learned counsel appearing for the claimant(s), was at pains to point out that the highest price noted in Exhibit P-4 and P-15 be reckoned and after giving deduction, appropriate compensation amount can be worked out.

We find no merits in this submission, as in our view, the two sale instances need to be discarded.

Mr. Rajesh Srivastava, learned counsel appearing for the other set of claimant(s) submits that the lands in question are situated in developed area, inasmuch as the lands across the canal have already been developed. This argument does not commend to us. For, we would proceed on the basis of relied upon sale instances which have come on record during the reference proceedings. They represent the true market value on the date of the Section 4 notification.

As a result, the appeal(s) filed by the State challenging the enhancement given by the High Court as well as the cross appeal(s) filed by the claimant(s) for further enhancement, both are disposed of on the same terms as in the case of village Badoli concerning the first notification dated 01.05.2006. Rest of the benefits including statutory benefits awarded by the High Court shall remain undisturbed. ”

[12.1] Further, in terms of decision dated 13.11.2021 passed in ***Civil Appeal No. 6827-6828 of 2021***, titled ***“Rakesh Kumar Versus State of Haryana and another”*** (Diary No. 23358 of 2021), the appellants-landowners shall not be entitled for interest on the enhanced amount of compensation for the period from 90th day of judgment dated

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16.09.2015 (*supra*) passed in main appeals, till the filing of applications bearing CM No. 798-CI of 2023 & CM No. 799-CI of 2023, moved by the applicants-appellants in respective appeals, i.e. beyond 14.12.2015.

[12.2] 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 from 90th day of judgment dated 16.09.2015 (*supra*), till the filing of aforesaid applications filed in respective appeals.

[13] In view of the above discussion, both the aforesaid applications are **allowed**; the order dated 16.09.2015 is recalled; the main **appeals** are taken on board today itself and the same are **disposed off** in the above terms.

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

September 22, 2023
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(HARKESH MANUJA)
JUDGE

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