

CM No. 4596-CI of 2021 in/and
RFA No. 270 of 2016 (O&M)

Neutral Citation No. 2023:PHHC:139807

247

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

**CM No. 4596-CI of 2021 in/and
RFA No. 270 of 2016 (O&M)
Date of Decision: 02.11.2023**

Meena Kumari and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Gupta, Advocate
for the applicants-appellants / landowners.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

The applicants-appellants/landowners, by instituting the present appeal preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), are seeking modification of the award dated 28.01.2015 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) for enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 07.02.2008, followed by Notification dated 06.02.2009 under Section 6 thereof, land measuring 59.95 acres, including the land of appellants, situated in the revenue estate of Village **Faridpur**, Tehsil & District Faridabad, was acquired. The public purpose for acquisition of the land was stated to be development and

utilization as residential and commercial for Sectors 76 to 78, Faridabad. The Land Acquisition Collector, Urban Estate, Faridabad, Haryana (for short "LAC"), vide Award No. 25, dated 04.02.2011, 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 were decided vide award dated 28.01.2015 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1052/- per square yard besides granting statutory benefits.

[4] Aggrieved thereof, the appellants-landowners preferred the present appeal, which was disposed off by this Court on 12.05.2016 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. 1700/- per square yard. 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 Single Bench of this Court vide judgment dated 31.05.2019 passed in case of **Rampal (supra)**, whereby the market value for the acquired land with regard to the notification dated 07.02.2008 pertaining to Villages Bhatola, Murtazapur and Badoli/Baroli, was fixed @ Rs.1551/- per square yard (Rs.75,06,840/- per acre) and for other three villages i.e. Fajjupur Majra Neemka, Neemka, **Faridpur**, the market value was fixed @ Rs.1410/- per square yard (Rs. 68,24,400/- 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] Now, by way of application bearing **CM No. 4596-CI of 2021** moved on behalf of the applicants-appellants / landowners, who did not approach the Hon'ble Apex Court, prayer has been made for recalling of the earlier judgment dated 12.05.2016 and deciding the appeal in terms of judgment dated 31.05.2019 passed in ***Rampal's case (supra)***.

[8] It is contended by learned counsel for the applicants-appellants / landowners that present appeal is squarely covered with the judgment dated 14.07.2021 rendered by the Hon'ble Supreme Court in ***Banwari Lal's case (supra)***, arising out of the same notification vide which the land of applicants-appellants had been acquired.

[9] Upon notice, reply on behalf of respondents-State stood filed, and, *inter alia*, prayed for dismissal of the aforesaid application being not maintainable. However, learned State Counsel does not dispute the afore-stated factual position about judgment dated 14.07.2021 passed in ***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.

[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 appeal is squarely covered with the judgment of ***Banwari Lal's case (supra)***, which is arising out of the same acquisition / Notification dated 07.02.2008 covering the same revenue estate i.e. **Village Faridpur, Tehsil & District**

Faridabad, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 1778/- 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. 32 to 34) read as under:-

“ Village : Faridpur

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

As regards the land situated in Village Faridpur, referred to in the second notification, in all, three sale instances have been relied.

The High Court discarded sale instances Exhibit P-4 dated 06.03.2007 on the finding that the same seems to be doubtful. Finding of fact so recorded with regard to Exhibit P-4 is upheld. That leaves us with two more sale instances. The highest price is Rs.1932/- per sq.yd. in Exhibit P-15 executed on 20.02.2006. This is almost two years before the issuance of second notification and three months before the issuance of first notification in respect of lands in and around Village Faridpur. Therefore, relying on the dictum of this Court in General Manager, Oil & Natural Gas Corporation Ltd, (supra), we deem it appropriate to provide rise of 7.5% per annum. Thus, there will be addition of 15% to the market price of Rs.1932/- per sq.yd. That means, the base price plus 15% addition would enhance per sq.yd. figure to Rs.2222/- (rounded off). After providing 20% (Rs.444/- rounded off) deduction thereon, as given in other cases, the fair market price is fixed at Rs.1778/- per sq.yd. in respect of lands situated at Village Faridpur covered under the second notification.

Accordingly, we modify the award to the extent of providing fair market price of land situated in Village Faridpur at Rs.1778/- (Rupees one thousand seven hundred seventy-eight only) per sq.yd. (i.e., Rs.1932/- plus Rs.290/- minus Rs.444/-).

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

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RFA No. 270 of 2016 (O&M)

Neutral Citation No. 2023:PHHC:139807

allowed to the above extent. Rest of the benefits including statutory benefits awarded by the High Court shall remain undisturbed. ”

[12] 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 12.05.2016 (*supra*) passed in the main appeal, till the filing of their application bearing CM No. 4596-CI of 2021, i.e. beyond 10.08.2016.

[13] 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 12.05.2016 (*supra*), till the filing of aforesaid application.

[14] In view of the above discussion, application bearing **CM No. 4596-CI of 2021** is **allowed**; the earlier order dated 12.05.2016 is recalled; the main **appeal** is taken on board today itself and **disposed off** in the above terms.

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

November 02, 2023

‘dk kamra’

(HARKESH MANUJA)
JUDGE

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