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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 2976 of 2016 (O&M)
Date of decision :29.03.2023

Rama Goel and another

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana

MAHABIR SINGH SINDHU, J.

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) to modify the impugned award dated 05.01.2016 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) and for enhancement of the compensation.

[2] It is contended by learned counsel for the appellants, that present appeal is squarely covered with the judgment dated 14.07.2021 passed by Hon’ble Supreme Court in Civil Appeal No. 2903 of 2021, decided on 14.07.2021, titled “***Banwari Lal & Anr. Versus State of Haryana & Ors.***”.

[3] Learned State Counsel, instead of opposing the plea of appellants, submitted that present appeal be disposed off in terms of the

Banwari Lal’s case (supra), being the identical controversy.

[4] 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 16.98 acre, including land of appellants, situated in village Mawai, Tehsil & District Faridabad and 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”) assessed the market value of acquired land @ Rs. 42,00,000/- per acre alongwith other statutory benefits vide Award No. 2, dated 27.08.2010.

[5] Dissatisfied with the aforesaid award, landowners / interested persons filed separate applications before the LAC for sending the matter before the Reference Court under Section 18 of the Act.

[6] Learned Reference Court, while passing the impugned award dated 05.01.2016, partly accepted the reference petition and awarded compensation for the acquired land @ Rs. 2000/- per square yards alongwith other statutory benefits.

[7] It transpires that on earlier occasion, present appeal was disposed off vide order dated 12.12.2016 in terms of RFA No. 7108 of 2012 (titled “*Ram pal and others Versus Land Acquisition Collector and another*”), which had been decided on 16.09.2015. Later on the judgment passed in *Ram Pal’s case (supra)*, was challenged before the Hon’ble Supreme Court and the same was set aside, thereby remanding

the matter back for fresh adjudication.

[8] Again the matter was decided by learned Single Bench of this Court vide judgment dated 31.05.2019. Thereafter, present appellants filed CM No. 9508-CI of 2019 for recalling of the order dated 12.12.2016 and which was allowed in part by the Coordinate Bench vide order dated 05.12.2019, whereby order dated 12.12.2016 was recalled and appeal was restored at its original number.

[9] Against the judgment dated 31.05.2019, parties approached Hon'ble Supreme Court in a batch of appeals [*Banwari Lal's case (supra)*] and which have been decided on three different dates, 08.07.2021, 13.07.2021 & 14.07.2021.

[10] This Court has gone through the judgment with the assistance of both sides and it is discernible that determination of compensation regarding Village Mawai was decided by Hon'ble Supreme Court on 13.07.2021 (at page Nos. 40 to 42), and relevant part of the same reads as under:-

“ Village : Mawai

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

Reverting to the lands situated in village Mawai, covered under the third notification dated 14.08.2008, in all, 10 sale instances have been relied upon by the parties.

The High Court discarded those sale instances and then went on to determine the market price of the lands in question at Rs.3300/- per sq.yd. and Rs.2970/- per sq.yd., on the analogy of applying market price of the lands in the neighbouring villages.

After hearing the counsel appearing for the respective parties, in our opinion, the High Court has not given tangible

reason to discard the market price indicated in the 10 sale instances, which were relied upon by the claimants themselves.

The consideration amount mentioned in all the 10 sale instances executed at different point of time after the third notification is mentioned at Rs.2500/- per sq.yd.

The claimants having relied upon those sale instances, ought to be reckoned for determining the market price of land situated at village Mawai covered under the third notification. We hold that the High Court has committed error in applying the principle stated in Charandas (Dead) By LRs versus HP Housing and Urban Development Authority and Others, reported in (2010) 13 SCC 398, which has no application when the claimants themselves come forward with the sale instances in support of their claim stating that they should get market price at the rate of Rs.2500/- per sq.yd.

It is not the case of the claimants that the sale instances are not registered sale deeds as such. Hence, taking note of those sale deeds, we determine the market price for the lands situated at village Mawai, covered under the third notification at Rs.2500/- per sq.yd. minus 20% towards development charges. That works out to Rs.2000/- (Rupees two thousand only) per sq.yd. (i.e., Rs.2500/- minus Rs.500/-) payable to the claimants, in addition to the other benefits including the statutory benefits awarded by the High Court. The award shall stand modified to that extent for the Village Mawai.

Accordingly, the appeals filed by the State as well as by the claimants are disposed of in the above terms.

[11] Perusal of the above extract reveals that, Hon'ble Supreme Court modified the award pertaining to Village Mawai, and granted compensation @ Rs. 2000/- per square yard to the claimants in addition to other statutory benefits awarded by the High Court.

[12] Even learned counsel for both sides are *ad idem* that extent. As a result thereof, present appeal is **disposed off** in terms of the decision of Hon’ble Supreme Court extracted hereinabove.

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

March 29, 2023
‘dk kamra’

(MAHABIR SINGH SINDHU)
JUDGE

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