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

**(1) RFA No. 325 of 2016 (O&M)
Date of Decision: 29.08.2023**

The State of Haryana and another
...Appellants

Versus

Asha Rani Goyal and others
...Respondents

(2) RFA No. 1206 of 2019 (O&M)

Om Girdhar and others
...Appellants

Versus

The State of Haryana and others
...Respondents

(3) RFA No. 1311 of 2021 (O&M)

M/s. Smart Housing Pvt. Ltd., New Delhi
...Appellant

Versus

State of Haryana and others
...Respondents

(4) RFA No. 1263 of 2022 (O&M)

Roomal Singh
...Appellant

Versus

State of Haryana and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chirag Kundu, Advocate
Mr. Amit Gupta, Advocate
Mr. Abhishek Sharma, Advocate
for the landowners (in their respective cases).

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-2870-CI-2021 in RFA-1311-2021
CM-3296-CI-2022 in RFA-1263-2022

Prayer in the present applications under Section 5 of Limitation Act, moved on behalf of the applicant(s)-appellant(s) / landowner(s), are for condonation of delay of 1344 & 1838 days in filing the respective appeals.

In RFA-1263-2022, notice of the application stands issued vide order dated 17.01.2023; however, no reply has been filed.

Issue notice of the application bearing CM-2870-CI-2021 in RFA-1311-2021.

Learned State Counsel accepts notice on behalf of the non-applicant(s) / respondent(s) / State and vehemently opposes the prayer made in both the applications.

I have heard learned counsel for the parties and gone through the contents of the applications, which have been supported by the affidavit(s) of applicant(s).

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 the same revenue estate, i.e. **Village**

Baselwa, Tehsil & District Faridabad, to the tune of Rs. 3704/- 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 applications, the prayer is **allowed** and delay in filing the respective appeals, as mentioned above, is hereby condoned, subject to denial of interest for the period of delay in filing the respective appeals.

MAIN APPEAL(S)

This order shall dispose off present four appeals bearing RFA Nos. 325 of 2016; 1206 of 2019; 1311 of 2021 & 1263 of 2022, as the same arise out of common acquisition.

[2] The landowners, by instituting the RFA Nos. 1206 of 2019; 1311 of 2021 & 1263 of 2022 preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act"), are seeking modification of the awards dated 10.10.2018, 04.01.2016 & 05.03.2015 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as "Reference Court") for enhancement of compensation amount; whereas in RFA No. 325 of 2016, the State of Haryana seeks setting aside the award dated 03.09.2015 passed by Reference Court and prayed for restoration of award of the Land Acquisition Collector, Faridabad (for short "LAC").

[3] Paper books reveal that State of Haryana issued Notification under Section 4 of the Act on 14.08.2008 for acquisition of land measuring 70.99 acres, including land of appellants / landowners, situated in **Village Baselwa, Tehsil & District Faridabad**, which was followed by Notification 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 LAC, vide Award No. 1, dated 27.08.2010, assessed the market value of acquired land @ Rs. 42,00,000/- per acre alongwith other statutory benefits.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide awards dated 03.09.2015, 10.10.2018, 04.01.2016 & 05.03.2015 (in respective appeals) by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 2900/- per square yard (in RFA Nos. 325 of 2016; 1206 of 2019 & 1263 of 2022) and Rs. 2000/- per square yard (in RFA No. 1311 of 2021), besides granting statutory benefits.

[5] It may be added here that in the original reference of RFA No.1206 of 2019, 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 dispute with regard to apportionment of compensation does not survive at this stage, hence, the matter only relates to enhancement of compensation.

[6] It is pertinent to mention here that the matters pertaining to the enhancement were remanded 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 in the first round on 16.09.2015 in case of **'Rampal and others Vs. Land Acquisition Collector and another', 2016 (1) RCR (Civil) 494**. Thereafter, the matter was again 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 14.08.2008 falling within the limits of Municipal Corporation, Faridabad of Villages Budhena, **Baselwa** and Mawai, was fixed @ Rs. 3,300/- per square yard (Rs.1,59,72,000/- per acre), while for the other land of the said villages, the market value was fixed @ Rs. 2970/- per square yard (Rs.1,43,74,800/- 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] It is contended by learned counsel for the appellants-landowners that present appeals are squarely covered with the judgment of **Banwari Lal's case (supra)**, arising out of the same notification vide which the land of landowners had been acquired.

[9] Learned State Counsel is not in a position to dispute that on the point of compensation, main appeals are covered in terms of

judgment of **Banwari Lal's case (supra)**; however, opposes payment of interest for the period, the appellants / landowners 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 perusal of records, it is apparent that 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 14.08.2008 covering the same revenue estate i.e. **Village Baselwa, Tehsil & District Faridabad**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 3704/- 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. 38 to 40) read as under:-

“ Village : Baselwa

Heard Dr. Monika Gusain, learned counsel for the State of Haryana and Mr. Pallav Shishodia, learned senior counsel appearing for the claimants-landowners.

As regards land situated in village Baselwa, covered under the third notification dated 14.08.2008, the High Court has determined the fair market price at Rs. 3300/- and Rs.2970/- per sq.yd., respectively.

The High Court has adverted to three sale instances Exhibited as P-24, P-25 and P-10, dated 28.12.2006, 28.12.2006 and 24.12.2007 respectively.

As regards sale instances of 28.12.2006 of the same day, one at Rs.3657/- per sq.yd. and the other is at Rs.4396/- per sq.yd. The third sale instance is dated 24.12.2007 for Rs.5062/- per sq.yd.

As regards the third sale instance (Exhibit P-10 dated 24.12.2007 for Rs.5062/- per sq.yd.), the same is after the

proposal for acquisition was submitted to the competent authority on 29.06.2007. Hence, that sale instance cannot be taken into account. We discard the same.

Reverting to the two sale instances dated 28.12.2006, the High Court has discarded sale instance of Rs.3657/- on the ground that the land in question was a leasehold land. The fact remains that another land in the same village ad-measuring 78 Kanals 18 Marlas was sold for Rs.4396/- per sq.yd. on the same day.

As a result, we are persuaded to take the mean of these two sale instances (Exhibits P-24 and P-25, both dated 28.12.2006) which comes to Rs.4026/- (rounded off) per sq.yd.

This market price, in our opinion, can be taken as base value of the land to which an increase at the rate of 7.5% per annum needs to be granted. After giving that benefit, deduction of 20% will have to be provided for development charges as provided in other cases.

Accordingly, the fair market value of the lands situated in Village Baselwa, covered under the third notification comes to Rs.3704/- (Rupees three thousand seven hundred four only) per sq.yd. (i.e., Rs.4026/- plus Rs.604/- minus Rs.926/-).

Mr. Pallav Shishodia, learned senior counsel appearing for the landowners, submits that the lands in village Baselwa, covered under the third notification, come within the urban area.

We do not find merit in this submission and for giving further enhancement. This prayer stands rejected because we have taken over all view of the matter to give benefit to the land owners to the extent possible, which means, we have taken into account all the relevant circumstances of the case. It is also because the sale instances relied upon by the State which are of lesser value, have been discarded by us.

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

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

[11.1] 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 others vide decision 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 interest for the period the appellants / landowners did not approach this Court after passing of Reference Court’s Award.

[12] Hence, the appeal filed by the State stands dismissed, whereas the appeals filed by the landowners are disposed off in the above terms.

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

August 29, 2023
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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