

CM No. 4899-CI of 2023 in/and
RFA No. 4405 of 2015 (O&M)

Neutral Citation No. 2023:PHHC:142177

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

**CM No. 4899-CI of 2023 in/and
RFA No. 4405 of 2015 (O&M)
Date of Decision: 07.11.2023**

Saudan Singh (deceased) through his LRs
and others

...Appellants

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Arun Beniwal, Senior Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

The 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 05.03.2015 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) for enhancement of compensation amount.

[2] The main appeal stood disposed off vide order dated 16.09.2015 passed by this Court in a batch of appeals, lead case of which was ***RFA-7108-2012***, titled ***“Rampal and others Versus Land Acquisition Collector and another”***.

[3] Now, by way of application bearing **CM No. 4899-CI of 2023** moved on behalf of the applicants-appellants / landowners, prayer has been made for disposal of the main appeal in terms of judgment dated 14.07.2021 rendered by the Hon'ble Supreme Court in Civil Appeal No. 2903 of 2021, titled "**Banwari Lal & Anr. Versus State of Haryana & Ors.**"

[4] Briefly, the facts are that in pursuance of 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, land measuring 70.99 acres, including the land of applicants-appellants, situated in the revenue estate of Village **Baselwa**, 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, Faridabad (for short "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.

[5] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which was decided vide award dated 05.03.2015 by the Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 2900/- per square yard, besides granting statutory benefits.

[6] Aggrieved thereof, the landowners preferred the present appeal, which was disposed off on 16.09.2015 in a batch of appeals, lead case of which was **Rampal's case (supra)**, thereby awarding compensation @ ₹ 1870/- per square yard for the land which falls

outside of the municipal limits and ₹ 2000/- per square yard for the land situated within the municipal limits. Later on, the landowners challenged the judgment dated 16.09.2015 passed in **Rampal's case (supra)** before the Hon'ble Supreme Court, which came to be set aside on 06.12.2017 in batch of appeals, lead case of which was **Civil Appeal No(s) 21014-21016 of 2017**, titled "**Premwati & Ors. Versus State of Haryana & Anr.**", thereby remanding the matter back for fresh adjudication.

[7] Again the matter was decided by Single Bench of this Court vide judgment dated 31.05.2019 in **Rampal's case (supra)**, whereby the market value for the acquired land with regard to the notification dated 14.08.2008 pertaining to Villages Budhena, **Baselwa** and Mawai, which falls within the limits of Municipal Corporation, Faridabad, was fixed @ ₹ 3,300/- per square yard (Rs.1,59,72,000/- per acre), whereas for the other land of said villages, the market value was fixed @ ₹ 2970/- per square yard (₹ 1,43,74,800/- per acre).

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

[9] It is contended by learned counsel for the applicants-appellants 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 had been acquired.

[10] Notice of the aforesaid application.

[11] Learned State Counsel accepts notice and does not dispute about the disposal of the main appeal in terms of judgment of **Banwari**

Lal's case (supra); however, opposes payment of interest for the period, the applicants-appellants failed to approach this Court after the decision of Reference Court.

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

[13] Concededly, 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 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. ”

[13.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowners / appellants

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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 interest for the period the applicants-appellants did not approach this Court after passing of Reference Court's Award.

[14] In view of the above discussion, present application is **allowed**; the earlier order dated 16.09.2015 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 stand(s) disposed off.

November 07, 2023
'tejwinder / dk kamra'

(HARKESH MANUJA)
JUDGE

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