

CM No. 2744-CI of 2022 in/and  
RFA No. 4990 of 2014 (O&M)

Neutral Citation No. 2023:PHHC:147597

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

**CM No. 2744-CI of 2022 in/and  
RFA No. 4990 of 2014 (O&M)  
Date of Decision: 21.11.2023**

Mehar Chand

...Appellant

**Versus**

The State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Ram Bilas Gupta, Advocate  
for the applicant-appellant / landowner.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

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**HARKESH MANUJA, J.**

The appellant-landowner, by instituting the present appeal preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), sought modification of the award dated 01.06.2013 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, the land measuring 72.18 acres, including the land of appellant, situated in the revenue estate of Village **Bhatola**, Hadbast No. 98, Tehsil & District Faridabad, was acquired. The public purpose for acquisition of the land was stated to be development and utilization thereof as residential and

commercial Sectors 76, 77 & 78, Faridabad under Haryana Urban Development Authority. The Land Acquisition Collector, Urban Estate, Faridabad, Haryana (for short "LAC"), vide Award No. 24, dated 04.02.2011, assessed the market value of the acquired land @ ₹ 42,00,000/- per acre alongwith other statutory benefits.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons, including the appellant, filed objections under Section 18 of the Act, which were decided vide award dated 01.06.2013 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ ₹ 1052/- per square yard besides granting statutory benefits.

[4] Aggrieved thereof, the applicant-appellant / landowner preferred the present appeal, which was disposed off on 16.09.2015 in a bunch of appeals, lead case of which was **RFA-7108-2012**, titled **"Rampal and others Versus Land Acquisition Collector and another"**, thereby awarding compensation @ ₹ 1700/- per square yard. Later on, some other landowners challenged the judgment passed in **Rampal'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 in **Rampal's case (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 @ ₹ 1551/- per square yard (₹ 75,06,840/- per acre) and for other three villages i.e. Fajjupur Majra Neemka, Neemka, Faridpur, the

market value was fixed @ ₹ 1410/- per square yard (₹ 68,24,400/- per acre).

[6] Against the judgment dated 31.05.2019 (*supra*), the aggrieved 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 were decided on three different dates, i.e. 08.07.2021, 13.07.2021 & 14.07.2021.

[7] Now, by way of application bearing **CM No. 2744-CI of 2022** moved on behalf of the applicant-appellant / landowner, who did not approach the Hon'ble Apex Court, prayer has been made for disposal of the main appeal in terms of judgment dated 06.12.2017 rendered by the Hon'ble Supreme Court in case of **Premwati & Ors. (*supra*)**.

[8] It is contended by learned counsel for the applicant-appellant / landowner 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 applicant-appellant had been acquired.

[9] Upon notice, no reply has been filed; 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 applicant-appellant 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 Bhatola, Tehsil & District Faridabad**, whereby the landowners have been held entitled for the enhanced amount of compensation @ ₹ 2396/- 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. 26 to 28) read as under:-

**“ Village : Bhatola**

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

*Turning to the second Village Bhatola, referred to in the second notification, the High Court has determined the fair market price at Rs.1551/- per sq.yd.*

*Having perused the sale instances, it appears that before the draft proposal was submitted to the competent authority on 27.11.2007, the market price was Rs.2995/- per sq.yd., which is reflected at least in two sale instances, dated 25.01.2007 and 31.08.2007. The second notification was eventually issued on 07.02.2008.*

*We have also noted that there is one more sale instance dated 17.10.2007 mentioning the market price of land in Village Bhatola as Rs.3513/- per sq.yd. However, this sale instance is not comparable as it pertains only to 1 Kanal 1 Marla area of land. The other sale instances consistently mention the market price at Rs.2995/- per sq.yd., which is for 18 kanals 5 Marlas and 7 kanals 4 Marlas, respectively.*

*Counsel for the State was at pains to persuade us to reckon market rate specified in sale instance dated 27.04.2006 being Rs.1798/- per sq.yd. on the argument that it is a big chunk of land ad-measuring 57 Kanals 9 Marlas. We are not inclined to take this sale instance into account as it is of relatively earlier period and appears to be an exceptional sale transaction and also because it pertains to the period prior to issuance of first notification.*

*In other words, the two sale instances mentioning the market price of land at Village Bhatola at Rs.2995/- per sq.yd., appear to be a fair, comparable sale instance and can be the basis to determine the fair market price for the lands at Village Bhaotla, mentioned in the second notification. However, after providing 20% deductions as in the other cases, the fair market price is determined at Rs.2396/- per sq.yd.*

***Accordingly, we modify the award to the extent of providing fair market price of land situated in Village Bhaotla at Rs.2396/- (Rupees two thousand three hundred ninety six only) per sq.yd (i.e., Rs.2995/- minus Rs.599/-).***

*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. ”*

[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 appellant-landowner shall not be entitled for interest on the enhanced amount of compensation for the period from 90<sup>th</sup> day of judgment dated 16.09.2015 (*supra*) passed in the main appeal, till the filing of application bearing CM No. 2744-CI of 2022, i.e. beyond 14.12.2015.

[13] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowner / appellant being similarly situated is 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,

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except payment of interest for the period from 90<sup>th</sup> day of judgment dated 16.09.2015 (*supra*), till the filing of aforesaid application.

**[14]** In view of the above discussion, application bearing **CM No. 2744-CI of 2022** 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 also stand(s) disposed off.

**November 21, 2023**

*‘dk kamra’*

**( HARKESH MANUJA )  
JUDGE**

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