

CM No. 4591-CI of 2021 in/and
RFA No. 8818 of 2014 (O&M)

Neutral Citation No. 2023:PHHC:125925

237-2

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

CM No. 4591-CI of 2021 in/and
RFA No. 8818 of 2014 (O&M)
Date of Decision: 22.09.2023

Smt. Bati and others

...Appellants

Versus

The State of Haryana and another

...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 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 20.02.2014 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) for enhancement of compensation amount.

[2] 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 152.58 acres, including the land of appellants, situated in the revenue estate of Village **Fajjupur Majra Neemka**, Tehsil & District Faridabad, was acquired. The public purpose for acquisition of the land was stated to be development and utilization of land as residential and commercial for Sectors 76 to 78, Faridabad. The Land

Acquisition Collector, Urban Estate, Faridabad, Haryana (for short "LAC"), vide Award No. 27, 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 20.02.2014 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 landowners preferred the present appeal, which was disposed off by this Court in a bunch of appeals on 16.09.2015, lead case of which was **RFA-7108-2012**, titled "**Rampal and others Versus Land Acquisition Collector and another**", thereby awarding compensation @ Rs. 1700/- per square. 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 in **Ram Pal'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 @ 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 present application bearing **CM No. 4591-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 disposal of the main appeal in terms of judgment dated 31.05.2019 passed in case of ***Ram Pal and others (supra)***.

[8] It is contended by learned counsel for the applicants-appellants / landowners 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.

[9] Upon notice, reply to the aforesaid application stood filed; however, learned State Counsel is not in a position to dispute the afore-stated factual position about judgment dated 14.07.2021 passed in ***Banwari Lal’s case (supra)***; although opposes the 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 Faijupur Majra Neemka, Tehsil & District Faridabad**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 2509/- 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. 30 to 32) read as under:-

“ Village : Fajjupur Majra Neemka

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

The second notification refers to land situated in Village Fajjupur Majra Neemka in respect of which fair market price has been determined by the High Court at Rs.1410/- per sq.yd.

There are five sale instances relied upon by the parties. The two sale instances Exhibits P-17 and P-18 (dated 05.09.2008) pertain to the period after the date of second notification dated 07.02.2008. Hence, the same are discarded.

That leaves us with three other sale instances. One of that is for Rs.4028/- per sq.yd. i.e., Exhibit P-19 dated 06.03.2007, but that is in respect of a smaller piece of land and for exceptionally high consideration, which need to be discarded. The market price, therefore, can be determined on the basis of sale instance Exhibit P-8 dated 08.08.2006, which is Rs.2727/- per sq.yd., with 15% increase due to gap of two years before the date of the second notification.

Counsel for the State has placed reliance on the sale instance Exhibit P-61, wherein the market price, is mentioned at Rs.1240/- per sq.yd. This sale instance cannot be taken into account as it is dated 23.12.2005, which is before issuance of the first notification.

Accordingly, the fair market price can be determined on the basis of the sale instance Exhibit P-8 at the rate of Rs.2727/- per sq.yd., after adding 15% (Rs.409/- rounded off) thereon and providing 20% (Rs.627/-) deduction as done in the other cases.

Accordingly, we modify the award to the extent of providing fair market price of land situated in Village Fajjupur Majra Neemka at Rs.2509/- (Rupees two thousand five hundred nine only) (rounded off) per sq.yd. (i.e., Rs.2727/- plus Rs.409/- minus Rs.627/-).

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] 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 16.09.2015 (*supra*) passed in the main appeal, till the filing of their application bearing CM No. 4591-CI of 2021, i.e. beyond 14.12.2015.

[11.2] 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 16.09.2015 (*supra*), till the filing of aforesaid application.

[12] 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.

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

September 22, 2023

‘dk kamra’

(HARKESH MANUJA)
JUDGE

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