

247

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

**RFA No. 2613 of 2018 (O&M)
Date of decision: 01.05.2023**

Smt. Risali Devi (since deceased) through
her LRs and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Anita Balyan, Advocate
for the appellants.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

Mr. Pritam Singh Saini, Advocate
for respondent – HSIIDC.

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 06.04.2015 passed by learned Additional District Judge, Jhajjar (hereinafter to be referred as “Reference Court”) for enhancement of the compensation.

[2] Paper book reveals that State of Haryana issued a Notification dated 25.07.2006 under Section 4 of the Act, for acquisition of land measuring 1433 kanals 6 marlas, including land of appellants, situated in village Kassar & Saadpur, Tehsil Bahadurgarh, District Jhajjar, which was followed by a declaration dated 14.06.2007 under Section 6 thereof. The

public purpose for acquisition of the land was stated to be setting up an Industrial Estate, Bahadurgarh to be planned and developed as an integrated complex for industrial and other public utilities etc. by Haryana State Industrial and Infrastructure Development Corporation Limited (for short "Corporation").

[3] The Land Acquisition Collector, Jhajjar (for short "LAC"), vide Award No. 9 dated 14.02.2008, assessed the market value of acquired land @ Rs. 16,00,000/- per acre.

[4] Dissatisfied with the aforesaid award, landowners / interested persons filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Reference Court for determination of the market value of the acquired land.

[5] Learned Reference Court, while passing the impugned award dated 06.04.2015, accepted the reference petition and enhanced compensation @ Rs. 50,00,000/- per acre on the date of notification dated 25.07.2006 alongwith other statutory benefits.

[6] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 31.07.2017 passed in RFA No. 6066 of 2015, titled "***Bhagwat Sarup and others Versus State of Haryana and others***", arising out of the same notification, vide which the land of appellants had been acquired. Further submitted that although above judgment is under challenge before the Hon'ble Supreme Court in **SLP (C) No(s). 22571-22632 of 2018**, titled "***Haryana***

State Industrial Development Corporation (now Haryana

State Industrial and Infrastructure) Versus Bhagwat Sarup & Ors.”; but there is no interim stay against the same.

[7] Learned counsel for the respondents are not able to controvert the above factual position; rather acknowledged that there is no interim stay against the order dated 31.07.2017 passed by this Court in **Bhagwat Sarup’s case (supra)**.

[8] Heard both sides and perused the paper-book.

[9] Concededly, batch of 101 RFAs, arising out of the Notification dated 25.07.2006, has already been decided by the Coordinate Bench vide judgment dated 31.07.2017 (RFA No. 6066 of 2015, titled “**Bhagwat Sarup and others Versus State of Haryana and others**”) and the compensation was enhanced to the tune of Rs. 61,94,097.45 paisa per acre alongwith other statutory benefits. For reference, the relevant part of the same reads as under:-

“ xxxx

Having said that, the only issue that survives is; Whether the deduction caused by the Reference Court, at Rs.10,00,000/- per acre, on account of development charges can be countenanced? The Supreme Court in Chandershekhar (dead) by LRs and others v. Land Acquisition Collector and another, (2012) 1 SCC 390, held that deduction towards development included (i) keeping aside area/space for providing developmental infrastructure and (ii) development expenditure. What needs to be noticed is that this was never the case of the State that the sale instances that were relied upon by the claimant/landowners formed part of a fully developed lay out or an urban area or an estate that was equipped with modern days facilities. Whereas, the acquired land lacked all those features/advantages. As indicated earlier, the State failed to lead any

*evidence in the matter except the statement of RW-1 Abdul Hamid Khan, which hardly justify the deduction caused by the Reference Court. Thus, no cut on account of development charges could at all be applied or was warranted. Resultantly, the claimant/landowners shall be entitled to compensation at **Rs.61,94,097.45p. per acre.***

That being so, the appeals preferred by the claimant/landowners are disposed of in the above terms, i.e. the landowners shall be entitled to compensation at Rs.61,94,097.45p. per acre. Needless to assert that the claimant/landowners shall also be entitled to all the statutory benefits as are admissible in law. And a necessary consequence, the appeals preferred by HSIIDC are dismissed. ”

[10] It is not in dispute that land of the appellants was acquired under the notification dated 25.07.2006, which was the subject matter of consideration in ***Bhagwat Sarup's case (supra)***. Also not disputed by learned counsel for the respondents that land of the appellants is also situated in Village Kassar, Tehsil Bahadurgarh, District Jhajjar, from where the batch of above 101 appeals was decided and compensation has been enhanced.

[11] Even learned counsel for both sides are *ad idem* that present appeal be disposed off in terms of order dated 31.07.2017 passed in ***Bhagwat Sarup's case (supra)***.

[12] In view of above, there is no option except to dispose off the present appeal in terms of order dated 31.07.2017 (*supra*).

[13] Ordered accordingly.

[14] Needless to say that compensation payable to the appellants, shall be subject to the final outcome of SLP (C) No(s). 22571-22632 of 2018 (*supra*).

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

May 01, 2023
‘dk kamra’

(MAHABIR SINGH SINDHU)
JUDGE

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