

279

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

**RFA No. 136 of 2020 (O&M)
Date of Decision: 29.08.2023**

Dhani Ram (deceased) through LRs and another

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Adarsh Jain, Advocate
for the appellants.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-271-CI-2020

Application is **allowed**, as prayed for, subject to all just exceptions. The applicants mentioned in para-2 of the application are ordered to be brought on record as legal representatives of appellant No. 1 (Dhani Ram) to pursue the present appeal.

CM-272-CI-2020

Prayer in the present application moved on behalf of the applicants-appellants is for condonation of delay of 1290 days in filing the appeal.

Notice of the application.

Learned State Counsel accepts notice on behalf of the non-applicants/respondents and vehemently opposes the prayer made in the application.

I have heard learned counsel for the parties and gone through the contents of the application, which has been duly supported by the affidavit of appellant No. 2-Jaibir.

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 Bhatola, Tehsil & District Faridabad**, to the tune of Rs. 2558/- 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 application, the application is **allowed** and delay in filing the appeal, as mentioned above, is hereby condoned.

MAIN APPEAL(S)

The 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 04.01.2016 passed by learned Additional District Judge, Faridabad

(hereinafter to be referred as “Reference Court”) for enhancement of compensation amount.

[2] In pursuance to 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, the land measuring 119.71 acres, including the land of appellant(s), situated in the revenue estate of Village **Bhatola**, 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, Urban Estate, Faridabad, Haryana (for short “LAC”), vide Award No. 18, dated 27.08.2010, 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 was decided vide award dated 04.01.2016 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1870/- per square yard, besides granting statutory benefits.

[4] It is pertinent to mention here that the matters pertaining to the enhancement were remand 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 pertaining to Villages Palwali, Badshahpur, **Bhatola** and Murtazapur was fixed @ Rs. 1,936/- per square yard (Rs.93,70,240/- per acre).

[5] 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.

[6] It is contended by learned counsel for the appellant(s) 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 appellants was acquired.

[7] Learned State Counsel is not in a position to controvert the factual aspect that the main appeal is covered in terms of judgment of **Banwari Lal's case (supra)**; however, opposes payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court.

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

[9] 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 14.08.2008 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 @ Rs. 2558/- 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. 50 to 52) read as under:-

“ Village : Bhatola

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

Reverting to lands situated at village Bhatola, covered under the third notification dated 14.08.2008, the High Court has awarded rate of Rs.1936/- per sq.yd.

The claimants had relied on three sale instances, that is Exhibits P-60, P-64 and P-5, mentioning the consideration amount of Rs.2975/- per sq. yd., Rs.2383/- per sq.yd. and Rs.2384/- per sq.yd., respectively.

It is well settled that the highest sale consideration in respect of sale transactions during the same time can be reckoned, if the sale instances are comparable and not found to be doubtful.

The sale instances exhibited as P-60 is of 14.03.2007, much before the proposal for acquisition was mooted. The formal proposal was moved on 29.06.2007. There is no evidence much less credible, to discard the sale instance relied by the claimants in respect of land at village Bhatola.

*Accepting the consideration amount mentioned therein as it is, and as the said sale instance is executed more than one year back, we provide 7.5% per annum increase on that amount and deduction of 20% as in other cases. **Thus, the fair market price is worked out to Rs.2558/- (Rupees two thousand five hundred fifty-eight only) per sq.yd. (i.e., Rs.2975/- plus Rs.223/- minus Rs.640/-).***

Accordingly, the award stands modified to the above extent, while retaining the other benefits including statutory interest awarded by the High Court.

Hence the appeal(s) filed by the State stand dismissed, whereas filed by the claimant(s) are partly allowed in the above terms. ”

[9.1] 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 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 the appellants did not approach this Court after passing of Reference Court’s Award.

[10] **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