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

**RFA No. 491 of 2020 (O&M)
Date of Decision: 29.08.2023**

Rajbir and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chirag Kundu, Advocate
for the appellants.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-1243-CI-2020

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

CMs-1242 & 1244-CI-2020

CM-1242-CI-2020 is for condonation of delay of 301 days in re-filing the appeal, whereas CM-1244-CI-2020 for condonation of delay of 1007 days in filing the appeal.

Notice of the applications.

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

I have heard learned counsel for the parties and gone through the contents of the applications, which have been duly supported by the affidavits.

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 same revenue estate, i.e. ***Village Tikawali, Tehsil & District Faridabad***, to the tune of Rs. 2038/- 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 applications, the prayer is **allowed** and delay in re-filing and filing the appeal, as mentioned above, is hereby condoned.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act"), to modify the award dated 05.12.2015 passed by learned Additional District Judge,

Faridabad (hereinafter to be referred as "Reference Court") seeking enhancement of compensation amount.

[2] 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, the land measuring 37.53 acres, including the land of appellants, situated in the revenue estate of Village Tikawali, 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. 5, 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 were decided vide award dated 05.12.2015 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 in the first round by Coordinate Bench of this Court on 16.09.2015 in '***Rampal and others Vs. Land Acquisition Collector and another***', 2016 (1) RCR (Civil) 494. Thereafter, the matter was

again decided by learned 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 Neemka, Fajjupur Majra Neemka, Kheri Khurd, Faridpur, Kheri Kalan, Bhupani, Riwajpur and **Tikawali**, was fixed @ Rs. 1760/- per square yard (Rs. 85,18,400/- 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, i.e. 08.07.2021, 13.07.2021 & 14.07.2021.

[6] It is contended by learned counsel for the appellant(s) 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 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 Tikawali**,

Tehsil & District Faridabad, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 2038/- 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. 67 to 69) read as under:-

“ Village : Tikawali

Heard Dr. Monika Gusain, learned counsel for the State of Haryana and Mr. Rajesh Srivastava, learned counsel appearing for the claimants-landowners.

As regards lands situated in Village-Tikawali are concerned, the High Court has awarded Rs. 1760/- per sq.yd.

The State has adverted to five sale instances - Exhibit P-16 dated 04.01.2006, Exhibit P-17 dated 08.05.2006, Exhibit P-6 dated 19.07.2006, Exhibit P-2 dated 22.02.2007 and Exhibit P-5 dated 22.02.2007. The claimants are relying on yet another sale instance dated 22.02.2007 Exhibit P-3 and one more, for Rs.2451/- each.

As regards Exhibit P-16, P-17 and P-6, those sale instances cannot be taken into account, as they pertain to year 2006. The sale deeds in close proximity to the issuance of the third notification and before the formal proposal for acquisition was mooted on 29.04.2007, are Exhibit P-2 and P-5 respectively. All these sale instances though executed on the same day in respect of land situated in the same village, bear different consideration amount. Therefore, we deem it appropriate to take the mean in respect of different transactions executed on the same day i.e., dated 22.02.2007 being Rs.2226/- per sq.yd. and Rs.2350/- per sq.yd. and Rs.2451/- per sq.yd.

Accordingly, the average/mean market price for the lands situated in village Tikawali on 22.02.2007 is worked out to Rs.2370/- (rounded off) per sq.yd. (i.e., Rs.2226/- plus Rs.2350/- plus Rs.2451/- plus Rs.2451 divided by 4).

As the sale instance referred to pertain to February, 2007 and the third notification was issued on 14.08.2008, the

claimants are entitled for rise of 7.5% per annum on the base price and 20% deduction towards development charges.

Accordingly, the fair market price in respect of lands situated in village Tikawali covered under the third notification is worked out to Rs.2038/- (Rupees two thousand thirty-eight only) per sq.yd. (Rs.2370/- plus Rs.178/- minus Rs.510/-).

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. ”

[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

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**(HARKESH MANUJA)
JUDGE**

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