



230 (2 cases)

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

(1)

**RFA No. 604 of 1999 (O&M)
Date of Decision: 18.07.2024**

Girish Kumar and another

...Appellants

Versus

The State of Haryana

...Respondent

AND

(2)

RFA No. 875 of 1999 (O&M)

The State of Haryana

...Appellant

Versus

Girish Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Adarsh Jain, Advocate
for the appellants-landowners (in RFA-604-1999) and
for the respondents-landowners (in RFA-875-1999)

Ms. Safia Gupta, Assistant Advocate General, Haryana
for the respondent-State of Haryana (in RFA-604-1999) and
for the appellant-State of Haryana (in RFA-875-1999)

HARKESH MANUJA, J.

This order shall dispose off the present two appeals bearing RFA Nos. 604 & 875 of 1999, as the same have arisen out of the common acquisition / award dated 06.11.1998 passed by the learned Additional District Judge, Faridabad (**hereinafter to be referred as “Reference Court”**).

[2] In the appeal filed by the landowners, they are seeking further enhancement of compensation for the acquired land, whereas in the appeal filed by the State, the prayer is for reduction of compensation awarded thereof.

[3] In the present appeals, challenge has been made to an Award dated 06.11.1998 passed by the Reference Court, whereby the market value of the acquired land in question was assessed @ Rs. 465/- per square yard, as on the date of Notification under Section 4 of the Land Acquisition Act, 1894 (**for short “the Act”**) issued on 07.12.1992.

[4] Briefly stating, in pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 07.12.1992, followed by Notification dated 03.12.1993 under Section 6 thereof, land measuring 19.52 acres, including the land of landowners herein, situated in Village Mawai, Tehsil & District Faridabad, was acquired. The public purpose for acquisition of the land was “development and utilization of land as residential and commercial and roads in Sector-31, Faridabad”, within Faridabad-Ballabgarh Controlled area under the Haryana Urban Development Authority Act, 1977. The Land Acquisition Collector, Faridabad (**for short “LAC”**), vide Award No.18, dated 27.11.1995, assessed the market value of acquired land @ Rs.1,29,37,853.40 per acre alongwith other statutory benefits.

[5] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 06.11.1998 by the Reference Court,

whereby the market value of the acquired land was assessed @ Rs.465/- per square yard, besides granting statutory benefits.

[6] Aggrieved thereof, the landowners as well as State of Haryana preferred the present appeal(s), which stood admitted vide orders dated 16.03.1999 & 28.09.2000 passed by this Court in respective appeals.

[7] Learned counsel for the landowners submits that other similarly situated landowners approached this Court by filing appeals for enhancement of compensation, pertaining to the acquired land of **Village Mawai** under the same notification, which were allowed vide decision dated 07.02.2014 in a bunch of appeals, lead case of which was “**Asjit Singh Chawla and another Versus State of Haryana and another**”, thereby awarding compensation @ ₹ 486/- per square yard alongwith statutory benefits, while the cross-appeals filed at the instance of State of Haryana were dismissed. Learned counsel, thus, contends that the present appeal is squarely covered with the judgment of **Asjit Singh Chawla’s case (supra)**, arising out of the same notification vide which the land of landowners was acquired.

[8] Learned State Counsel does not dispute the afore-stated factual position about judgment dated 07.02.2014 passed in **Asjit Sngh Chawla’s case (supra)**; but opposes the payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court.

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

[10] From the records, it is apparent that the present appeal is squarely covered with the judgment of **Asjit Singh Chawla’s case**

(**supra**), which is arising out of the same acquisition / Notification dated 07.12.1992 covering the same revenue estate i.e. **Village Mawai**, whereby the landowners have been held entitled for the enhanced amount of compensation @ ₹ 486/- per square yard. For reference, the relevant para from judgment dated 07.02.2014 passed in case of **Asjit Singh Chawla (supra)** (at page No. 9) reads as under:-

“ Thus, in the present case, the quantum of compensation is liable to be determined in view of the decision of the Apex Court in Ashrafi's case (**supra**). In Ashrafi's case (**supra**) notification under Section 4 of the Act was issued on 2.8.1989 for development of Sector-45 in Faridabad whereas in the present case, notification was issued under Section 4 of the Act on 7.12.1992. Thus, the claimants are entitled to get benefit of 12% increase per annum on the market value assessed by the Apex Court in Ashrafi's case (**supra**). **The market value, thus, works out to ₹ 486/- per square yard.**

Accordingly, the appeals/cross objections filed by the claimants are allowed whereas the appeals filed by the State are dismissed. ”

[10.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowners being similarly situated are held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 07.02.2014 in case of **Asjit Singh Chawla (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except interest for the period the applicants-appellants did not approach this Court beyond 90 days after passing of Reference Court's Award.

[11] In view of the above discussion, present appeals are **disposed off** in the above terms.

July 18, 2024
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Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No