

275 (2 cases)

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

(1) **RFA No. 85 of 2023 (O&M)**
Date of Decision: 18.07.2023

Bhanmati ...Appellant

Versus

State of Haryana and others ...Respondents

(2) **RFA No. 86 of 2023 (O&M)**

Bhanmati ...Appellant

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vikram Singh, Advocate
for the appellants (in both cases)

Mr. Abhinash Jain, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-244-CI-2023 in RFA-85-2023;
CM-246-CI-2023 in RFA-86-2023

Applications are **allowed**, as prayed for, subject to all
just exceptions. Exemption from filing the certified copies of
impugned award / short award dated 17.12.2013, is granted.

CM-243-CI-2023 in RFA-85-2023;
CM-245-CI-2023 in RFA-86-2023

Prayer in the present applications under Section 5 of
Limitation Act, are for condonation of delay of 2424 days in filing

the respective appeal(s).

Notice of the applications.

Learned State Counsel accepts notice of the application and opposes the prayer made in the present applications.

I have heard learned counsel for the parties and gone through the pleadings.

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 acquired land falling in **Villages Singhpura, Safidon, Rampura, Ratta Khera and Khera Khemawati, Tehsil Safidon, District Jind**, to the tune of Rs. 45,00,000/- per acre for the land upto the depth of two acres on Safidon-Jind road, Safidon Bye-pass road & *Gair Mumkin* land, while entitled to Rs. 35,00,000/- for *Nehri* and *Chahi* land, in view of judgment dated 27.10.2017 passed by the Hon'ble Supreme Court in ***Civil Appeal No. 2846 of 2017***, titled ***"Bijender and Ors. Versus State of Haryana & Anr."*** reported as ***AIR 2017 SC 5811***.

Based thereupon, applying the principle of parity, besides awarding just and fair compensation, the landowners / applicants being similarly situated, are entitled for grant of similar amount of compensation, however, without any payment of interest for the period they failed to approach this Court after the decision of the Reference Court. In this regard reliance can be placed upon the decision of Hon'ble Supreme Court in case of

Special Land Acquisition Officer and Another”, 2020 (19) SCC 599.

In view of the discussion made hereinabove as well as contents of the applications, the same are **allowed** and delay of 2424 days in filing the respective appeal(s) are hereby condoned.

MAIN APPEAL(S)

[1] This order shall dispose off present two appeals bearing RFA Nos. 85 & 86 of 2023, as the same arise out of common acquisition.

[2] Present appeals preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) to modify the impugned award dated 17.12.2013 passed by learned Additional District Judge, Jind (hereinafter to be referred as “Reference Court”) are for enhancement of the compensation.

[2] Paper-book reveals that Notification bearing No. LAC(H)-2007-NTLA/376 on 23.08.2007 under Section 4 of the Act was issued for acquisition of 142 acres of land in Village Singhpura, for public purpose, namely, development and utilization of commercial and residential Sector-7, Safidon.

[2.1] Notification bearing No.LAC(H)-2007-NTLA/379 on 23.08.2007 under Section 4 of the Act was issued for acquisition of 249.49 acres land in Villages Safidon, Singhpura, Rampura, Ratta Khera and Khera Khemawati for public purpose, namely, development and utilization of commercial and residential

Sector-8, Safidon.

[2.2] Notification bearing No.LAC(H)-2007-NTLA/382 on 23.08.2007 under Section 4 of the Act was issued for acquisition of 167.79 acres of land in Villages Safidon, Khera Khemawati for the public purpose, namely, development and utilization of commercial and residential Sector-9, Safidon.

[2.3] The above notifications were followed by three (03) declarations made and published under Section 6 of the Act on 21.08.2008 bearing No. LAC(H)-2008-NTLA/423 in respect of the land measuring 74.10 acres of land in Village Singhpura; LAC(H)-2008-NTLA/426 in respect of the land measuring 199.57 acres of land in village Safidon, Singhpura, Rampura, Ratta Khera and Khera Khemawati; and LAC(H)-2008-NTLA/429 in respect of the land measuring 150.97 acres in village Safidon and Khera Khemawati.

[3] The District Revenue Officer-cum-Land Acquisition Collector, Hisar (for short "LAC"), vide three separate Award Nos. 3, 4 & 5, dated 19.08.2010, assessed the market value of the acquired land in question @ Rs. 33 lakh per acre upto the depth of two acres on Safidon-Jind road, Safidon Bye-pass road and *Gair Mumkin* land, while assessed Rs. 18 lakh per acre for *Nehri* and *Chahi* land.

[4] Dissatisfied with the aforesaid Award(s), 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 17.12.2013, dismissed the reference petitions.

[6] Aggrieved thereof, the landowners filed separate Regular First Appeals before this Court seeking enhancement of compensation.

[7] This Court, while passing the order dated 22.12.2015, disposed off a batch of appeals, in which the lead case was **RFA No. 1515 of 2014**, titled **“Harijan Co-operative Society Ltd. Versus State of Haryana and another”**, whereby the awards passed by the Collector assessing compensation @ Rs. 33 lakh per acre for the land upto the depth of 2 acres on Safidon Jind Road, Safidon bye-Pass road, were upheld; whereas the compensation of other land (Nehri, Chahi) beyond 2 acres from the road was enhanced from Rs. 18 lakh to Rs. 24,75,000/- per acre, besides other statutory benefits. The decision dated 22.12.2015 (*supra*) passed by this Court was taken to Hon’ble Supreme Court by the landowners, wherein the Hon’ble Apex Court vide decision dated 27.10.2017 in **Civil Appeal No. 2846 of 2017**, titled **“Bijender and Ors. Versus State of Haryana and Anr.”**, reported as **AIR 2017 SC 5811**, enhanced the compensation.

[8] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 27.10.2017 passed by Hon’ble Supreme Court in **Bijender’s case (*supra*)**.

[9] Notice of motion.

[10] Learned State Counsel accepts notice on behalf of respondent-State and does not controvert the abovesaid factual position.

[11] Heard learned counsel for the parties and perused the paper-book.

[12] Learned counsel for the parties are *ad idem* that a batch of RFAs, arising out of the same acquisition / Notification dated 23.08.2007 covering the same revenue estate, has already been decided by the Hon'ble Supreme Court in ***Bijender's case (supra)***, whereby the landowners have already been held entitled for the enhanced amount to the tune of Rs. 45,00,000/- per acre for the land upto the depth of two acres on Safidon-Jind road, Safidon Bye-pass road & Gair Mumkin land, while entitled Rs. 35,00,000/- for *Nehri* and *Chahi* land. For reference, the relevant para-62 of judgment passed in ***Bijender's case (supra)*** reads as under:-

“ 62. We have applied our mind keeping in view all the relevant factors coupled with the law laid down by this Court. Taking into consideration all the relevant factors emerging from the evidence and the findings of the Courts below on the issues such as the location of the acquired land, its surroundings, nature, potentiality, rates of small plots, the purpose of acquisition, development cost needed, non availability of the sale deeds for large areas sold in acres, etc., we are of the considered opinion that just, fair and proper market value of the acquired land in question on the date of is-

suance of Section 4 notification is determined at Rs.45,00,000/- (Forty Five Lacs) per acre in place of Rs.33,00,000/- (Thirty Three Lacs) per acre for the lands described in detail in column 2 of the Award of the Collector dated 19.08.2010 (Annexure P-3) at page 32 of the SLP paper book of C.A.No. 2846/2017 and Rs.35,00,000/- (Thirty Five Lacs) per acre in place of Rs.24,75,000/- (Twenty Four Lacs Seventy Five Thousand) per acre for lands described in detail in column 1 of the said Award. In other words, the appellants are held entitled to receive compensation for the acquired land as described hereunder:-

S. No.	Class of Land	Awarded Amount
1.	Nehri, Chahi	Rs.35 lacs
2.	To the depth of 2 acres from Safidon-Jind Road & Safidon Bye Pass Road and Gair-mumkin land	Rs.45 lacs

[13] Based upon the above, applying the principle of parity, the landowners / applicants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded vide judgment dated 27.10.2017 (*supra*), besides all other statutory benefits and interest thereupon as provided under the Act, except interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[14] In view of the aforesaid discussion, since the controversy being squarely covered with the judgment dated 27.10.2017 passed in ***Bijender's case (supra)***, present appeals are **disposed off** in the same terms, based on the agreed stand

taken by both sides.

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

July 18, 2023
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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