



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

RFA No.2094 of 2016

Date of Decision : 06.09.2016.

Hem Chander and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Rahul Sharma, Advocate for
Mr. Salil Bali, Advocate for the appellants.
Ms. Safia Gupta, AAG, Haryana.

ARUN PALLI, J. (Oral)

While assessing the market value of the acquired land the reference Court had relied upon its earlier award dated 31.03.2012 (Mauji Ram and others Vs. State of Haryana etc.), vide which the land that formed part of the same revenue estate, that is, village Sewli, was assessed at ₹28 lacs per acre, for the purpose in previous and present acquisition was common, and there was no tangible evidence on record to differentiate between the quality of land in both the acquisitions. But as the notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), in the earlier acquisition, was issued on 17.11.2005, and for the acquisition in question after 03 years, 04 months and 28 days, on 15.04.2009, the reference Court awarded 12% annual increase upon the compensation awarded in the case of Mauji Ram (supra), for the time difference between the two notifications. Accordingly, appellants-landowners were awarded compensation @ ₹39,44,241/- per acre.

Learned counsel for the appellants submits that in the appeals



preferred against the award dated 31.03.2012, that had been relied upon by the reference Court, this Court, vide judgment dated 3.11.2015, rendered in RFA No.5360 of 2011 and other connected matters (Kehar Singh Vs. State of Haryana and others), has enhanced the compensation to ₹42,00,000/- per acre, for the land abutting G.T. Road, up to the depth of 4 acres and ₹32,00,000/- per acre for the remaining land. Therefore, he submits that the appellants are now entitled to 12% annual increase upon the enhancement awarded by this Court.

The factual position, as set out above, is not disputed by the learned State counsel. Rather, she submits that as the land of the appellants was situated beyond the depth of 4 acres, they shall be entitled to compensation at ₹32,00,000/- per acre with 12% annual increase.

That being so, the appellants shall be entitled to compensation @ ₹ 32 lacs per acre with 12% annual increase thereupon for a period of 03 years, 04 months and 28 days, for the time difference between the two notifications. Meaning thereby, they shall be entitled to compensation @ ₹ 47,09,594/- per acre, with all the statutory benefits as admissible in law.

The appeal is, accordingly, disposed of in the above terms.

06.09.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No