

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

RFA No. 299 of 1994 (O&M)

Date of decision : 17.8.2015

State of Haryana

.. Appellant

versus

Prehlad

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

Challenge has been made by the State to the award of the learned Court below.

Briefly the facts are that vide notification dated 1.10.1973, which was published on 9.10.1973, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') the State of Haryana sought to acquire land situated within the revenue estate of village Faridabad, Hadbast No. 123, Tehsil Ballabgarh, District Gurgaon (now District Faridabad), for public purpose. The Land Acquisition Collector (for short, 'the Collector') vide award dated 22.2.1974 assessed the compensation for the acquired land. Dissatisfied with the award of the Collector, the landowner filed objections. On reference under Section 18 of the Act, the learned court below determined the market value of the acquired land @ ₹ 18/- per square yard. Thereafter, this Court upheld the market value of the acquired land however, directed the learned Court below that an enquiry be conducted regarding measurement of area as envisaged under Section 18 of the Act. The learned Court below while deciding the reference, directed that the State of Haryana either make payment of compensation of share of claimant or refer the dispute regarding apportionment of compensation to District Court under Section 30 of the Act within a period of three months and also to take immediate steps for the finalization of the proceedings in the reference already made to the District Court under Section 30 of the Act in

the year 1978 regarding the apportionment of compensation in respect of land forming part of khasra no. 55 of khewat no. 82. It is against this award of the learned Court below, that the State has filed appeal.

The learned Court below had issued certain directions to the State regarding payment of compensation of the share of the respondent or refer the dispute to the Court under Section 30 of the Act. There was no stay granted in the appeal. The order must have been complied with. Learned counsel for the State does not have any information.

The appeal is dismissed.

17.8.2015
vs

(Rajesh Bindal)
Judge