

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

RFA No. 2143 of 2002 (O&M)

Date of decision : 18.11.2015

State of Haryana	vs	 Appellant
Mange Ram and others		 Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Abhinash Jain, Assistant Advocate General, Haryana.
 None for the landowners.

Rajesh Bindal J.

This order will dispose of RFA Nos. 2143 to 2173, 2635 to 2639 of 2002, as the same arise out of common acquisition.

State of Haryana is in appeal before this court seeking reduction in compensation awarded to the landowners for the acquired land, whereby by filing appeals the landowners are seeking enhancement thereof.

Briefly, the facts of the case are that vide notification dated 7.2.1997, published on 18.3.1997, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire land measuring 28.93 acres (i.e. 231 kanals 8 marlas) situated within the revenue estate of village Samaspur, Hadbast No. 164, Tehsil Charkhi Dadri, District Bhiwani for construction of Samaspur Minor. Notification under Section 6 of the Act was issued on 15.4.1997, published on 6.5.1997. The Land Acquisition Collector (for short, 'the Collector') vide award no.25 dated 29.8.1997, assessed the market value of the acquired land at ₹ 90,000/- per acre for chahi/nehri, ₹ 60,000/- per acre for barani and gair mumkin kind of land. Dissatisfied with the awards of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned Court below while upholding the award of the Collector changed the category of land of some of the landowners from Barani/ gair mumkin kinds of land to chahi nature of land. It is this award, which has been

impugned in the present set of appeals by both the parties. The landowners have filed appeals in few cases only.

None has appeared for the landowners at the time of hearing.

In the case in hand, the learned Reference Court while upholding the award of the Collector and considering the evidence produced on record by the landowners changed the category of land of some of the landowners forming part of LAC No. 107 dated 1.8.1998 – Surjan Singh and others vs State of Haryana, LAC No. 122 dated 1.8.1998- Tasvir and others vs State of Haryana and another, LAC No. 123 dated 1.8.1998 Pokhar and another vs State of Haryana and another, LAC No. 125 dated 1.8.1998 Smt. Phular and others vs State of Haryana, LAC No. 126 dated 1.8.1998 Bhagwana (since deceased) through LRs and others vs State of Haryana and another, LAC No. 128 dated 1.8.1998 Mansa Ram (since deceased) through LRs and others vs State of Haryana and LAC no. 133 dated 1.8.1998 Budh Ram and others vs State of Haryana from barani/ gair mumkin kinds of land to chahi kind of land, as a result of which they were held entitled to compensation @ ₹ 90,000/- per acre awarded by the Collector. The total acquired land is merely 28.93 acres (i.e. 231 kanals 8 marlas), out of which 179 kanals 4 marlas was barani and 4 kanals 7 marlas was gair mumkin kinds of land. The acquisition was carried out in the year 1997 about two decades back. Amount of compensation has already been paid to the landowners.

Considering the aforesaid aspect, I do not find any reason to interfere in the appeals filed by the State seeking reduction of compensation. Hence, the same are dismissed. As far as the appeals filed by the landowners are concerned, as none has appeared for them, the same are dismissed for non-prosecution.

18.11.2015

vs.

(Rajesh Bindal)
Judge