

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

RFA No.1446 of 2011 (O&M)

Date of decision: 25.5.2015

Haryana State Industrial Development Corporation and another

..... Appellants

Versus

M/s Sharma Agro Industries and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: None for the parties.

RAJESH BINDAL, J

This order will dispose of two appeals bearing RFA Nos.1446 and 1456 of 2011, as common questions of law and facts are involved in these appeals.

Haryana State Industrial Development Corporation (for short 'the Corporation') has filed the present appeals seeking reduction in the amount of compensation awarded to the landowners for the acquired land.

Brief facts of the case are that the State of Haryana vide notification dated 27.11.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') sought to acquire land situated within the revenue estate of village Kasba Karnal, Hadbast No.1, Tehsil and District Karnal, for construction and development of Industrial Estate, Karnal and laying of sewerage and storm water drains in Sector-3, Kasba Karnal. Notification under Section 6 of the Act was issued on 14.11.2003. The Land Acquisition Collector (for short 'the Collector') vide its award assessed the market value of the acquired land @ ₹ 8,00,000/- per acre for land abutting GT Road upto two acres and beyond said land awarded ₹ 5,00,000/- per acre. The land owners being dissatisfied with the award of the Collector filed objections which were referred to the learned Court below. On reference, the learned Court below assessed the compensation of the acquired land @ ₹ 475/- per square yard. Aggrieved against the award of the learned court below, the Corporation has filed the appeals before this

court.

A perusal of the file shows that in appeals arising out of the acquisition carried out vide notification dated 17.5.2002, the matters have been remanded back to the learned court below vide judgment passed in RFA No.640 of 2011-- Smt. Kanta Devi and others v. The State of Haryana and others, decided on 25.09.2014 for fresh consideration after permitting the parties to lead further evidence showing appropriate value of the land on the date of acquisition.

The land in the present case was acquired vide notification dated 27.11.2002. Considering the fact that the appeals arising out of the acquisition vide notification dated 17.5.2002 have been remanded back for fresh decision vide judgment in Smt. Kamla Devi's case (supra), the present appeals, which also arise out of the acquisition in same area, though later in time, are also remanded back for fresh decision.

Accordingly, for the reasons mentioned in Smt. Kamla Devi's case (supra), the present appeals are remitted back to the learned court below for fresh consideration after permitting the parties to lead further evidence showing appropriate value of the land on the date of acquisition. The amount already received by the landowners will not have to be refunded which shall, however, be subject to the final determination by the Reference Court.

Let the parties through their counsel appear before District Judge, Karnal on 1.8.2015, who shall entrust the cases to the court, where the cases earlier remanded are pending.

The appeals stand disposed of accordingly.

(RAJESH BINDAL)
JUDGE

25.5.2015

sharmila