

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

RFA No.3364 of 2014 (O&M)
Date of decision : 21.01.2015

Maha Singh and others

...Appellants

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. C.P. Tiwana, Advocate
for the appellants.

Mr. Abhinash Jain, AAG, Haryana.

AMIT RAWAL, J. (Oral)

CM No.5598-CI of 2014

For the reasons stated in the application, which is duly supported by an affidavit, delay of 12 days in re-filing the appeal is condoned.

The application stands disposed of.

CM No.5599-CI of 2014

For the reasons stated in the application, which is duly supported by an affidavit, delay of 409 days in filing the appeal is

condoned.

The application stands disposed of.

Main Case

Learned counsel appearing on behalf of the appellants has handed over the copy of the decision dated 23.08.2013 passed in RFA No.4824 of 2012 to contend that the subject matter of the litigation has already been decided by this Court. Vide aforementioned order, the subject matter of the notification in the present RFA is identical to the one involved in the order dated 23.08.2013. Notification under Section 4 of the Land Acquisition Act, 1894 in the present case was issued on 03.05.2007 and under Section 6 of the Act on 20.08.2007, for construction of Hassanpur Sub Minor in Village Alewa, Tehsil and District Jind.

The Land Acquisition Collector vide his award dated 07.11.2007 awarded the compensation at the rate of ₹8,00,000/- per acre. Dissatisfied with the Collector, the land owners filed the objections which was referred to the Reference Court. The Reference Court enhanced the amount of compensation to ₹9,00,000/- per acre and further ordered that the land owners would be entitled to all the benefits under Sections 23(1) and 23(2) of the Act.

This Hon'ble Court disposed of the RFA by modifying the impugned award of the Ld. Reference Court and ordered that the land owners shall be entitled to compensation on account of severance of the

land at the rate of 20% of the value of the acquired land.

The present Regular First Appeal is also disposed of in terms of the order dated 23.08.2013. Order dated 07.06.2012 of the Reference Court is modified. The land owners are held entitled to compensation on account of severance of the land at the rate of 20% of the value of the acquired land. The land owners will also entitled to statutory benefits available to them under the Act. While calculating the statutory benefits, the learned Court below shall in keep in view of the judgment of Hon'ble the Supreme Court in *State of Punjab Vs. Amarjit Singh and another, 2011(4) SCC 734*.

The present Regular First Appeal is disposed of in the manner indicated above.

21.01.2015

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**(AMIT RAWAL)
JUDGE**