

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

**Date of decision: 06.02.2015
(1) RFA No.5049 of 2014 (O&M)**

State of Haryana and another

Versus

Amar Chand and another

....Appellants

...Respondents

(2) RFA No.5050 of 2014 (O&M)

State of Haryana and another

Versus

Sunita Devi and another

....Appellants

...Respondents

(3) RFA No.5051 of 2014 (O&M)

State of Haryana and another

Versus

Pawan Kumar Malhotra and others

....Appellants

...Respondents

(4) RFA No.5052 of 2014 (O&M)

State of Haryana and another

Versus

Sanjeev Kumar Gulati and others

....Appellants

...Respondents

(5) RFA No.5053 of 2014 (O&M)

State of Haryana

Versus

Ramesh Kumari

....Appellant

...Respondent

(6) RFA No.5054 of 2014 (O&M)

State of Haryana

Versus

Devinder Singh and another

....Appellant

...Respondents

(7) RFA No.5055 of 2014 (O&M)

State of Haryana and another

Versus

Shakuntla Devi and another

....Appellants

...Respondents

(8) RFA No.5056 of 2014 (O&M)

State of Haryana and another

Versus

Rakesh Chander and another

....Appellants

...Respondents

(9) RFA No.5057 of 2014 (O&M)

State of Haryana and another

Versus

Anil Kumar and others

....Appellants

...Respondents

(10) RFA No.5058 of 2014 (O&M)

State of Haryana and another

Versus

Shashi Bala and another

....Appellants

...Respondents

(11) RFA No.5059 of 2014 (O&M)

State of Haryana and another

Versus

Dinesh Jain and others

....Appellants

...Respondents

(12) RFA No.5060 of 2014 (O&M)

State of Haryana and another

Versus

Arvind Kumar and another

....Appellants

...Respondents

(13) RFA No.5061 of 2014 (O&M)

State of Haryana and another

....Appellants

Versus

Bal Kishan and another

...Respondents

(14) RFA No.5062 of 2014 (O&M)

State of Haryana and another

....Appellants

Versus

Ved Parkash and another

...Respondents

(15) RFA No.5063 of 2014 (O&M)

State of Haryana and another

....Appellants

Versus

Sarwan Kumar and another

...Respondents

(16) RFA No.5064 of 2014 (O&M)

State of Haryana and another

....Appellants

Versus

Hans Raj and another

...Respondents

(17) RFA No.5065 of 2014 (O&M)

State of Haryana and another

....Appellants

Versus

Virender Kumar Malik and others

...Respondents

(18) RFA No.5066 of 2014 (O&M)

State of Haryana and another

....Appellants

Versus

Meena Gandhi and another

...Respondents

(19) RFA No.5236 of 2014 (O&M)

State of Haryana

....Appellant

Versus

Yash Pal Virmani and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Vishal Garg, Addl. A.G. Haryana.

Mr. Ashok Kumar Khubbar, Advocate
for the respondents
(in RFA Nos.5055 of 2014 and 5063 of 2014).

Mr. Virender Kumar Malik, Advocate for
Mr. Robin Dutt, Advocate for respondent No.1
(in RFA No.5065 of 2014).

Rakesh Kumar Jain, J. (Oral)

This order shall dispose of, a bunch of nineteen appeals, bearing RFA No.5049 of 2014, RFA No.5050 of 2014, RFA No.5051 of 2014, RFA No.5052 of 2014, RFA No.5053 of 2014, RFA No.5054 of 2014, RFA No.5055 of 2014, RFA No.5056 of 2014, RFA No.5057 of 2014, RFA No.5058 of 2014, RFA No.5059 of 2014, RFA No.5060 of 2014, RFA No.5061 of 2014, RFA No.5062 of 2014, RFA No.5063 of 2014, RFA No.5064 of 2014, RFA No.5065 of 2014, RFA No.5066 of 2014 and RFA No.5236 of 2014 because all the appeals have arisen from the common award of the Reference Court. All these appeals were admitted, in which notice in the stay application was issued.

For the sake of convenience, RFA No.5049 of 2014 titled as State of Haryana and others Vs. Amar Chand and another is taken as the lead case.

I have heard counsel for the State on the stay application (s) and realise that the main appeal itself could be decided at this stage and hence all the appeals are taken on Board together for final decision on merits.

In short, vide notification issued under Section 4 (i) of the Land Acquisition Act, 1894 (hereinafter referred to as the 'Act') dated 14.08.2002, land measuring 120.26 acres of village Gobindpura, Tehsil and District Yamunanagar was acquired, for the purpose of development and utilisation of land as residential and commercial area for Sector 18, Part-II, Jagadhri, by Haryana Urban Development Authority. The Land Acquisition Collector, (hereinafter referred to as

'Collector'), vide his award No.13 dated 26.02.2004, assessed the market value of the entire land @ ₹ 6,00,000/- per acre. The land owners were not satisfied with the award of the Collector, filed objections under Section 18 of the Act which were referred by the Collector to the Reference Court for adjudication. The Reference Court, while relying upon the previous award (Ex.R1) rendered in the case of **Ishwar Dayal Vs. State of Haryana**, decided on 18.11.2009, re-assessed the market value of the acquired land to the tune of ₹11,32,800/- per acre. Thus aggrieved against the award of the reference Court, the present appeals have been filed.

Learned counsel appearing on behalf of the land-owners has argued that Ex.R1 was challenged in appeal by the State of Haryana and the land-owners but their appeals were dismissed. It is also submitted that some of the land owners have also challenged the order passed by this Court, maintaining the award arising out of Ex.R1, before the Supreme Court and the SLPs are still pending.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that the Reference Court has decided the references, on the basis of the evidence led by present appellants/State of Haryana, who had relied upon Ex.R1 for the purpose of assessing the market value. Thus, there is no reason for the State of Haryana to file appeal against the award. In any case, even the amount assessed, while relying upon Ex.R1, has been upheld by this Court as the first appeal preferred by both the State and the claimants have been dismissed and the State has not preferred any

appeal against the order of this Court.

In view, thereof, there is no merit in these appeals for the purpose of reducing the amount of compensation granted by the Reference Court.

Consequently, all these nineteen appeals are hereby dismissed.

February 06, 2015
Manoj Bhutani

(Rakesh Kumar Jain)
Judge