

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RFA No. 8951 of 2014 (O&M)
Date of decision : January 12, 2015

Ram Parshad

..... Appellant

Versus

State of Haryana and others

..... Respondents

RFA No. 8952 of 2014 (O&M)

Phool Singh

..... Appellant

Versus

State of Haryana and others

..... Respondents

RFA No. 8953 of 2014 (O&M)

Amit Kumar and another

..... Appellants

Versus

State of Haryana and others

..... Respondents

RFA No. 8954 of 2014 (O&M)

Amit Kumar

..... Appellant

Versus

State of Haryana and others

..... Respondents

RFA No. 8955 of 2014 (O&M)

Amit Kumar and another

..... Appellant

Versus

State of Haryana and others

..... Respondents

RFA No. 8956 of 2014 (O&M)

Mahabir and others

Versus

State of Haryana and others

..... Appellants

..... Respondents

RFA No. 8957 of 2014 (O&M)

Amit Kumar and another

Versus

State of Haryana and others

..... Appellants

..... Respondents

RFA No. 8958 of 2014 (O&M)

Mahabir and others

Versus

State of Haryana and others

..... Appellants

..... Respondents

RFA No. 8959 of 2014 (O&M)

Mahabir and others

Versus

State of Haryana and others

..... Appellant

..... Respondents

RFA No. 10058 of 2014 (O&M)

Manoj Kumar

Versus

State of Haryana and others

..... Appellant

..... Respondents

CORAM:

Present:-

HON'BLE MR. JUSTICE AMIT RAWAL

Mr. Shailender Mohan, Advocate
for the appellant(s) in RFA Nos.8951 to 8959 of
2014.

Mr. Rose Gupta, Advocate
for the appellant in RFA No. 10058 of 2014.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

CM No. 14291-CI of 2014 and connected C.Ms for condonation of delay in refiling the appeals

These are application under Section 151 CPC seeking condonation of delay in refiling the appeals.

Notice in the applications be issued to the State.

At the asking of the Court Mr. Abinash Jain, Asstt. Advocate General, Haryana accepts notice on behalf of the State.

For the reasons stated in the applications, which are duly supported by an affidavit, delay of 1289 days in refiling the appeals is condoned.

Applications stand disposed of.

RFA No. 8951 of 2014 (O&M)

Learned counsel appearing on behalf of the appellant has informed the Court that the subject matter of the notification involved in the present cases has already been decided by this Court vide order dated 26.3.2014 passed in RFA No. 5657 of 2010 along with connected RFAs and passed on a copy of the order to this Court. Copy of this order has also been handed over to the learned State Counsel who after examining the contents of order has stated that the subject matter is identical to the one involved in the present case.

I have gone through the impugned order as well as

order dated 26.3.2014 passed by this Court. The land measuring 313.67 acres situated in Hisar was acquired for commercial and residential purpose in sectors 3 and 5 vide notification dated 13.11.2002 under Section 4 of the Land Acquisition Act and notification under Section 6 of the Act was published on 10.11.2003. The Land Acquisition Collector vide his award dated 8.11.2005 assessed the market value of the acquired land @ ₹6 lacs per acre for Nehri, Chahi, gair mumkin and Banjar and ₹5 lacs per acre for Tal and Tibba.

Aggrieved against the said order the landowners-appellants sought a reference under Section 18 of the Land Acquisition Act (hereinafter called 'the Act') and the Reference Court vide its award disposed of the reference and granted the same amount of compensation as has been awarded in another connected references. In view of the fact that there is already an adjudication to by this Court whereby the identical appeals have been decided and the amount of compensation has been enhanced to ₹724.75 paisa per sq.yard.

It has been brought to the notice of this Court that the order dated 26.3.2014 passed in RFA No.5626 of 2010 and connected appeals was challenged by the landowners before the Hon'ble Supreme Court in SLP No. 20531-20565/2014 along with other connected SLPs. The Hon'ble Supreme Court vide order dated 22.8.2014 disposed of the SLPs by granting relief to the landowners by increase of 12% cumulatively. The order of the Hon'ble Supreme Court has been sought to be placed on record by

way of additional evidence in RFA No. 10058 of 2014. The said position is not disputed by the learned counsel for the State. Accordingly, the landowners would be entitled to 12% increase cumulatively over and above the relief already granted by this Court at the rate of ₹724.75 paisa per sq. yard.

All the appeals are accordingly allowed.

CM No. 16316-CI of 2014 in RFA No. 10058 of 2014

This is an application under Order 41 Rule 27 CPC for placing on record Annexure A-1 i.e. order dated 22.8.2014 passed by the Hon'ble Supreme Court in SLP No. 20531-20565/2014 to contend that the order dated 26.3.2014 passed in RFA No. 5626 of 2010 and other connected RFAs was assailed by the landowners before the Hon'ble Supreme Court and the Hon'ble Supreme Court has granted relief of 12% increase with cumulative effect over and above the enhanced amount of compensation awarded by this Court.

In view of the reasons stated in the application duly supported by an affidavit, the application is allowed.

Annexure A-1 order dated 22.8.2014 passed by the Hon'ble Supreme Court is taken on record by way of additional evidence.

**(AMIT RAWAL)
JUDGE**

**January 12, 2015
archana**