

**Civil Revision No.7325-2015 and
other connected petitions**

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

Date of Decision: 15.02.2016

1. Civil Revision No.7325-2015

State of Haryana and another
... Petitioners (s)

Versus

Manohar Lal
... Respondent(s)

2. Civil Revision No.7340-2015

State of Haryana and another
... Petitioners (s)

Versus

Bhim Sain (since deceased) through his LRs
... Respondent(s)

3. Civil Revision No.7341-2015

State of Haryana and another
... Petitioners (s)

Versus

Sunder Dass (since deceased) through his LRs
... Respondent(s)

AND

4. Civil Revision No.7356-2015

State of Haryana and another
... Petitioners (s)

Versus

Dilbagh Rai Lakhani and others
... Respondent(s)

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**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the 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 ?

Present: Mr. Rajesh K. Sheoran, Addl. A. G. Haryana and
Mr. Ramesh Kumar, AAG, Haryana for
the petitioners.

Paramjeet Singh Dhaliwal, J.

This order shall dispose of above mentioned civil revisions as common questions of fact and law are involved in all these revisions.

Before proceeding further, a brief reference to the facts is necessary which are being extracted from Civil Revision No.7325-2015.

Civil Revision No.7325-2015 has been filed under Article 227 of the Constitution of India for setting aside the order dated 02.01.2015 (Annexure P-1) passed by learned Additional District Judge, Gurgaon.

Brief facts of the case are to the effect that respondent-decree holder filed execution application before the executing court for payment of balance decretal amount and balance payment still remains to be paid, however, the petitioner-State of Haryana averred that the entire payment of the compensation as well as enhanced compensation has been paid to the respondent. From the pleadings of parties, the executing court framed the following issues:

“1. Whether the decree holder is entitled to get an

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*amount to the tune of 50% of the amount of
unacquired land as alleged in the petition in
pursuance of the order of Hon'ble High Court, if so to
what extent?OPP*

2. Relief.”

Thereafter, the parties were afforded opportunity to lead their respective evidence. The executing court after considering the evidence led by the parties and perusing the record ordered the petitioners to make the payment in terms of the judgment rendered in RFA No.888 of 1992, titled as 'Honda Ram versus State'. Hence, this revision.

I have heard learned State counsel and perused the record.

Learned counsel for the petitioners has vehemently contended that the impugned order is not sustainable in the eyes of law. The respondent has not proved on record that he is entitled to compensation on account severance of his unacquired land. The petitioners have already made the payment of 50% severance charges in accordance with law and nothing is to be paid to the respondent-decree holder.

I have considered the contentions raised by learned State counsel.

It is settled law that an owner whose land has been acquired by the State, would be entitled to get 50% compensation of the market price of the unacquired land on account of damages for severance of his

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unacquired land in addition to the market value of the acquired land along with other statutory benefits. Admittedly, in the present case, the petitioners have paid the compensation to the extent of half of the acquired land and the respondent has claimed compensation 50% per acre for his unacquired land.

The executing court has rightly disposed of the execution application in terms of the judgment rendered in ***Honda Ram's case (supra)***. The findings recorded by the executing court read as under:

“12. The compensation to the extent of number of acres of unacquired land is not required to be given, moreover it does not seems justifiable. There should be some parameter to pay compensation of the unacquired land. Keeping in view of the said situation, this court is of the view that the compensation to the extent of one acre of the unacquired land of the decree holder seems just and reasonable on account of the severance of the land of petitioner due to the acquisition which is liable to be payable by the JD to the decree holder in accordance with law. The documents Ex.D1 and Ex.D2 speaks about the compensation paid to the decree holders half of the amount of their acquired land whereas it should be to the extent of one acre of their un-acquired land along with other statutory benefits. Accordingly, in view of the judgment

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passed in RFA No.888 of 1992 titled as Honda Ram versus State Ex.PC on the file, decree holders would be entitled to get the compensation to the extent of 50% of the market value of their unacquired land on account of the severance of land due to acquisition to the extent of one acre along with statutory benefits. The present execution petition is disposed of with the directions to the JDs to make the payment accordingly.

13. *Before parting, it would be apposite to mention that in view of the observations made in **Haryana State Industrial Development Corporation Vs. Pran Sukh & Others**, 2011 (1) Recent Civil Report 569 Supreme Court of India, the respondents are to follow certain directions to ensure that the landowners are not fleeced by the middleman in the process of disbursement of enhanced compensation. The directions are as under:*

- (i) The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tehsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.*
- (ii) The concerned officers shall also instruct the land owners and/or their legal representatives*

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*to open savings bank account in case they
already do not have such account.*

*(iii) The bank account numbers of the land owners
should be given to the Land Acquisition
Collector within three months.*

*(iv) The Land Acquisition Collector shall deposit
the cheques of compensation in the bank
accounts of the land owners.”*

In view of findings recorded by the Executing Court, I do
not find any illegality or perversity in the impugned order.

Dismissed in limine.

15.02.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge