

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CM-4386-CI-2016 and
RFA-430-2013
Date of decision:2.5.2016**

Gian Chand and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Ms.Anita Balyan, Advocate for the applicants-appellants.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicants-appellants seek disposal of the appeal, in terms of the order dated 12.2.2016 passed by this Court in RFA No.1427 of 2014 (Rajit and another v. State of Haryana and others).

Notice of the application to the counsel opposite.

On the asking of Court, Mr.Arun Beniwal, DAG, Haryana, accepts notice on behalf of respondent No.1, whereas Mr. Pritam Saini, Advocate, accepts notice on behalf of respondent No.2.

After hearing the learned counsel for the parties and going through the record of the case, order dated 12.2.2016 passed by this Court in **Rajit's** case (supra) has been found having a direct bearing on the instant appeal. It has gone undisputed before this Court that the only difference in **Rajit's** case (supra) and the present appeal is that there was a gap of one day between the notification under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short), issued in both these cases but purpose of acquisition was the same.

In view of the above-said undisputed fact situation obtaining in the present case, the instant appeal is ordered to be disposed of, in terms of the order dated 12.2.2016 passed by this Court in **Rajit's** case (supra).

The above-said factual aspect of the matter has not been disputed either by the learned counsel for the State or by the learned counsel for respondent No.2 and rightly so, it being a matter of record. It is also not in dispute that acquisitions in **Rajit's** case (supra) and the present appeal were out of adjoining revenue estates. Since there was no factual difference between the present appeal and the bunch of appeals decided by this Court vide order dated 12.2.2016 passed in **Rajit's** case (supra), the instant appeal is also ordered to be disposed of, in terms of the order dated 12.2.2016 passed by this Court in **Rajit's** case (supra).

Accordingly, the land owners-appellants are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.19,91,300/- per acre from the date of notification under Section 4 of the Act, as assessed by this Court in **Rajit's** case (supra). The land owners are also held entitled to receive 40% of the market value on account of severance charges. Besides this, the land owners shall be entitled to all the statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the above-said observations made, the instant appeal stands partly allowed, in the afore-said terms, however, with no order as to costs.

2.5.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE