

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

**RFA No. 4913 of 2013 (O&M)
Date of decision: 12.5.2016**

Gurmail Singh and another

.. Appellants

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Akshay Jain, Advocate
for the appellants.

Mr. Shivendra Swarop, AAG, Haryana.

Mr. Sanjiv Gupta, Advocate
for respondent No.4.

RAMESHWAR SINGH MALIK, J. (Oral)

During the course of arguments on the stay application, learned counsel for the respondents submit that identical appeals arising out of this very acquisition have already been decided by this Court vide order dated 4.9.2015 passed in **RFA No. 583 of 2014 (Balbir Kaur Vs. State of Haryana and others)**.

Correctness of the abovesaid statement made by learned

AMIT KUMAR
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I attest to the accuracy and
authenticity of this document

counsel for the respondents could not be denied by learned counsel for the appellants and rightly so, it being a matter of record.

After hearing learned counsel for the parties and going through the record of the case, present appeal has been found covered by the order dated 4.9.2015 passed in **Balbir Kaur's case** (supra). Accordingly, the impugned award dated 16.7.2013 passed by the learned reference court is hereby set aside and the case is remanded to the learned reference court to re-determine the market value of the acquired land, in compliance of the order passed in **Balbir Kaur's case** (supra).

Should there be any ambiguity, it is clarified that learned reference court shall re-decide issue No.3 as well, so as to decide the dispute about the apportionment of shares amongst claimants. It is also made clear that all the claimants in the instant appeal shall be at liberty to produce their fresh evidence, if so desire, and the learned trial court shall grant two opportunities to each of the parties for the said purpose. Thereafter, the dispute under Section 30 of the Land Acquisition Act, 1894, ('the Act' for short), shall be decided, in accordance with law.

As has been rightly pointed out by learned counsel for the appellants, some amount out of the awarded compensation has already been disbursed in favour of some of the landowners-claimants. In this view of the matter, learned reference court is also directed to keep in mind this material fact while deciding the relevant issues and the dispute under Section 30 of the Act. It is also directed that till the matter is re-determined on all the issues by the learned

reference court in compliance of the abovesaid remand order, no further amount shall be disbursed in favour of the landowners-respondents herein.

With the abovesaid observations made and directions issued, instant appeal, alongwith pending applications, stand disposed of, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

12.5.2016
AK Sharma