

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

**RFA No.1048 of 2015 (O&M)
Date of decision: 27.4.2016**

Tehal Singh (deceased) through LRs.

.. Appellants

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ashwani Talwar, Advocate
for the appellants in RFA No. 1048 to 1050 of 2015.

Mr. Akshay Jindal, Advocate
for the appellants in RFA No. 6448 of 2015.

Ms. Neelam Nehra, Advocate for
Mr. Deepak Balyan, Advocate
for the appellants in
RFA No. 4739 to 4742 of 2015.
for the respondents in
RFA No. 1048 to 1050 and 6448 of 2015..

Mr. Shivendra Swaroop, AAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Learned counsel for the appellants in RFA No. 6448 of 2015 submits that, while misreading the order dated 19.1.2016 passed in RFA No. 2963 of 2015 (HSIIDC Vs. Mangal Singh and others), office has wrongly tagged this RFA No. 6448 of 2015 with RFA No. 2963 of 2015. He further submits that, as a matter of fact,

this case ought to have been tagged with other identical cases arising out of the notification dated 6.7.2005 issued under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short). In fact, four land references were decided together by the learned reference court vide order dated 5.11.2014 wherein Mahender Singh's case was the lead case. Other three cases were RFA No. 1048 to 1050 of 2015.

In view of the abovesaid statement now made by learned counsel for the appellant, order dated 19.1.2016 is hereby clarified. This case (RFA No. 6448 of 2015) would be heard with the connected appeal arising out of notification dated 6.7.2015 issued under Section 4 of the Act, i.e. RFA No. 4739 of 2015 (HSIIDC Vs. Mahinder Singh and others). Ordered accordingly.

With the consent of learned counsel for the parties, all these eight cases are taken up on regular board for final disposal.

Against the abovesaid award dated 5.11.2014 passed by the learned reference court, deciding four land references together, four appeals bearing RFA Nos.4739 to 4742 of 2015 have been filed by the beneficiary department, i.e. Haryana State Industrial & Infrastructure Development Corporation Limited and four appeals bearing RFA Nos. 1048 to 1050 and 6448 of 2015 have been filed by the landowners.

Learned counsel for the parties are ad idem that all these appeals are squarely covered by the order dated 3.3.2016 passed by this Court in RFA No. 4694 of 2014 (Tara Chand and others Vs.

State of Haryana and others).

After hearing learned counsel for the parties and going through record of the cases, this Court is of the considered opinion that there is no difference in the fact situation, except one week's time gap between two acquisitions. In Tara Chand's case (supra), date of notification under Section 4 of the Act was 30.6.2005 whereas in these cases, date of notification under Section 4 of the Act was 6.7.2005.

It has also gone undisputed before this Court that initially, land of four villages was acquired namely Dadlana, Rajapur, Baholi and Begampur for one and the same purpose; namely for development of Industrial Estate by Haryana Government. The land involved in the instant set of appeals was, in fact, left over piece of land which came to be acquired by identical notifications under Section 4 of the Act, however, after about one week. Since same set of evidence was relied upon by both the parties, this Court has found no reason to assess the market value in this set of appeals at any higher rate than what has already been assessed in Tara Chand's case (supra) i.e., at the uniform rate of ₹904 per sq. yard.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that appeals filed by the beneficiary-department has been found to be wholly misconceived, bereft of merit and without any substance, thus, these must fail and the same

are hereby dismissed.

Appeals filed by the landowners deserve to be partly accepted and the same are hereby allowed to the extent indicative above. The landowners in all these appeals are held entitled to receive the compensation for their acquired land at the uniform rate of ₹904/- per sq. yard from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled for all other statutory benefits available to them under the Act.

Resultantly, with the observations made above, all these appeals stand disposed of in the abovesaid terms, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

27.4.2016
AK Sharma