

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.256 of 2000 (O&M)
Date of Decision : 17.07.2017.

Haryana Urban Development Authority

.....Appellant

Versus

Ramla and others

..... Respondents

and other connected matters:-

Filed By	Numbers	Total
Haryana Urban Development Authority and State of Haryana	RFA Nos.257, 668, 669 of 2000 & 132 and 2987 of 2001	5

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Sudeep Mahajan, Addl. A.G. Haryana with
Mr. Shivendra Swaroop, AAG, Haryana.

ARUN PALLI, J. (Oral)

Vide this order and judgment, I shall decide a batch of 6 appeals of which RFA Nos. 256 and 257 of 2000 have been filed by the HUDA and RFA Nos.668 and 669 of 2000 have been preferred by the State of Haryana against a common award dated 5.3.1999. RFA No. 2987 of 2001 is preferred by the State against an award dated 18.08.2000. And, RFA No.132 of 2001, again, is filed by the State against an award dated 23.10.1989. For, all these appeals arise out of a common acquisition, these are being disposed of by a common judgment. However, by consensus facts

are being culled out from RFA No.256 of 2000.

Vide notification dated 22.10.1974, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') a land situated in village Dharuhera (H.B. No.299), Tehsil and District Rewari was sought to be acquired for development and utilisation of land as industrial and residential areas in the Urban Estate to be set up in the area of village Dharuhera. Final declaration under Section 6 was published on 17.10.1977. The Land Acquisition Collector, vide award No.5 dated 06.07.1978, assessed the market value of the acquired land that was *chahi* at ₹8000/- per acre and the land that was *bhood* at ₹4960/- per acre. Being dis-satisfied with the assessment as also the compensation awarded by the Collector the claimants/landowners filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Civil Court for determination of the true market value of the acquired land. The reference Court, vide separate awards rendered on different dates enhanced the compensation awarded to the claimants/landowners to ₹20,000/- per acre. A few of the claimants/landowners preferred appeals before this Court for further enhancement. And, vide order and judgment, dated 16.12.1988, rendered in RFA No.281 of 1985 (Jagmal Vs. Haryana State through Collector Mohindergarh at Narnaul), and other connected matters this Court enhanced the compensation to ₹32,500/- per acre. Subsequently, even the reference Court, in terms of the decision of this Court, in the case of Jagmal (*supra*), decided various other land references, in the same terms. What needs to be noticed is that respondents/claimants did not prefer objections under Section

18 to the award rendered by the Land Acquisition Collector. But sought re-determination of compensation under Section 28-A of the Act, in terms of the award rendered by the reference Court, dated 23.10.1989 and 16.09.1992. The Land Acquisition Collector dismissed the application(s) moved by the claimants under Section 28-A. But subsequently, upon another application(s) moved by the claimants, referred the matter to the Additional District Judge, Rewari in terms of Section 28A(3) of the Act for determination of compensation. This is how, the reference Court, vide award, dated 5.3.1999 and 18.08.2000, accepted the claim of the appellants and awarded compensation at ₹32,500/- per acre, in terms of the decision of this Court, dated 16.12.1988, rendered in RFA No.281 of 1985. It would be expedient to point out further that RFA Nos. 256, 257, 668 and 669 of 2000 preferred against an award dated 5.3.1999 and RFA No.2987 of 2001, filed against an award dated 18.08.2000, arise out of the determination of the compensation under Section 28-A(3) of the Act. Whereas RFA No.132 of 2001 is directed against an award dated 23.10.1989, vide which, the claim of the claimants/landowners was decided under Section 18 of the Act. Be that as it may, the fact remains that all these appeals are filed against the award(s) rendered by the reference Court, vide which, the claimants/landowners were awarded compensation at ₹32,500/- per acre in terms of the decision of this Court dated 16.12.1988, in the case of Jagmal (supra), rendered in RFA No.281 of 1985. It is not disputed either that the decision of this Court in the said case has since become final.

Learned State counsel could not point out as to how the conclusion arrived at by the reference Court was either contrary to the record or suffered from any material illegality. That being so, the only and the inevitable conclusion that could be reached is; the appeals are bereft of merit, and thus, liable to be dismissed.

No other argument was advanced.

Accordingly, the appeals are dismissed.

17.07.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No