

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-4432-2008

Date of Decision: January 30, 2017

State of Haryana and another

...Appellants

Versus

Hazari Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Safia Gupta, Assistant Advocate General, Haryana,
for the appellants.

Mr. R.C. Chauhan, Advocate,
for the respondent.

ARUN PALLI, J. (ORAL)

State is in appeal against the award dated 5.10.2007, rendered by the Reference Court, vide which the compensation awarded to the claimant/landowner has been enhanced.

The facts that are required to be noticed are limited.

Vide notification issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), dated 24.2.2000, a land measuring 5.992 acres, that formed part of the revenue estate of village Ransika, was sought to be acquired for construction of Pataudi Distributory. The Land Acquisition Collector, vide Award No. 15-G, dated 28.11.2001, assessed the market value of the land at Rs. 3,20,000/- per acre. Being aggrieved against the assessment and the compensation awarded by the Collector, the claimant/landowners filed objections under Section 18 of the Act, and sought a reference to the Civil Court. And, the Reference Court enhanced the compensation awarded to the claimant/landowners to Rs.

9,00,000/- per acre. This is how the State is in appeal.

I have heard learned counsel for the parties and perused the record.

Concededly, the appeals filed by the claimant/landowners for further enhancement, arising out of the same acquisition, were dismissed by this Court, vide order and judgment, dated 01.09.2010, rendered in RFA No. 459 of 2008 (Luxmi Narayan v. State of Haryana and others) and other connected matters. On being specifically asked if the State had preferred similar/cross appeals against the award rendered by the Reference Court in other cases as well, learned State counsel fairly submits that in no other matter the appeal was filed. Meaning thereby the appellant-State accepted the assessment as also the award rendered by the Reference Court, as regards other landowners, who were equally situated and circumstanced, as the respondent herein. Once the State had not chosen to file appeals in other matter, it is wholly unjustified to contend that in this lone appeal, preferred by the State, the claimant/landowner is not entitled to the same compensation. That being so, no ground to interfere is made out.

Dismissed.

(ARUN PALLI)
JUDGE

January 30, 2017
Pkapoor

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO