

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

Civil Writ Petition No.17981 of 2016

Reserved on: 16.01.2018

Decided on : 16.03.2018

Haryana State Industrial and Infrastructure Development Corporation
Limited

... Petitioner

Versus

Bijender Singh and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Pritam Singh Saini, Advocate
for the petitioner.

G.S. Sandhawalia, J.

In the present writ petition, the Corporation seeks quashing of the order dated 05.06.2015 (Annexure P-4), whereby the respondent No.7 has allowed the application under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act') and granted compensation to the tune of ₹37,47,232/- per acre to the private respondents-land owners of Village Bas Haria alongwith statutory benefits.

The same has been done in view of the fact that the application had been filed on 07.12.2012 in view of the award passed by the Additional District Judge, Gurgaon on 05.09.2012 in **LAC No.311 of 2008/2011 'Mattar @ Mitru and others Vs. Haryana State and others'**. The application having been filed within 3 months from the date of the judgment was, accordingly, held to be maintainable, since the land had been acquired vide notification dated 26.06.2002 and award

thereafter had been passed on 20.05.2004 by the respondent No.7. Resultantly, the land owners not having filed reference petitions under Section 18 of the Act could seek re-determination as per the benefits granted by the Reference Court.

The Division Bench in the present case had issued directions on 01.09.2016 that entire amount of compensation awarded by the Land Acquisition Collector alongwith interest upto 31.08.2016 should be deposited with the Reference Court and compliance affidavit be filed.

Vide affidavit dated 05.12.2017, the Deputy General Manager, Haryana State Industrial and Infrastructure Development Corporation Limited, has deposed that an amount of ₹1,01,41,377/- had been deposited with the Reference Court.

The only argument which has been raised by the counsel for the petitioner-Corporation was that the award had been challenged before this Court and, therefore, the decision should have been awaited.

It is not disputed that initially on 06.10.2015 the matter had been remanded to the Reference Court in **RFA No.2373 of 2010 'Madan Pal Vs. State of Haryana and another'** pertaining to the said notification. However, the said order was set aside by the Apex Court in **'Satish Kumar Gupta and others Vs. State of Haryana and others'** AIR 2017 SC 1072 and it was directed that no case for remand was made out.

The judgment in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'** has already been pronounced on

09.03.2018 and the award of the Reference Court has been upheld and even the amount has been further enhanced to ₹41.40 lakhs per acre by allowing the appeals of the land owners for the said village.

Accordingly, no case for interference is made out in the impugned order. Resultantly, the present writ petition is dismissed. The amount deposited with the Reference Court be disbursed to the land owners, if not already disbursed.

MARCH 16, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No