

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

RFA No.2783 of 2010 (O&M)

Date of Decision: 13.12.2018

Gurbachan Singh and others	Versus	 Appellant(s)
State of Haryana and another		Respondent(s)

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

Present : Mr. Shoaib Khan, Advocate
Mr. M.K. Chouhan, Advocate
Mr. K.S. Khehar, Advocate
Mr. DPS Ahluwalia, Advocate
Mr. Neeraj Saini, Advocate
Mr. S.R. Hooda, Advocate
Mr. S.K. Sharma, Advocate for
Mr. M.L. Sharma, Advocate and
Ms. Bhavni Sood, Advocate for
Mr. Aditya Jain, Advocate for the landowners.

Mr. Sudeep Mahajan, Addl. AG, Haryana.
Ms. Vibha Tewari, AAG, Haryana.
Mr. Abhinash Jain, AAG, Haryana.

G.S. Sandhawalia, J.

CM-7069-CI-2010

Application has been filed for bringing on record the legal heirs of deceased original petitioner Lachman. It is stated that the said petitioner had expired on 12.12.2005 during the pendency of the reference proceedings, leaving behind his legal heirs as mentioned in para No.1 of the application. It has been further stated that there is no other natural or legal heir of the deceased petitioner.

Accordingly, in view of the averments made in the application, duly supported by affidavit of Gurbachan Singh son of deceased petitioner, same is allowed. Legal heirs as mentioned in the application are brought on record and permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-7070-CI-2010

Application has been filed for bringing on record the legal heir of deceased original petitioner Kala Ram, who is stated to have expired on 05.09.2004 during the pendency of the reference proceedings leaving behind his legal heirs mentioned in para No.1. However, legal heir Bhag Singh mentioned in para No.2 has claimed the right as such on the strength of registered Will dated 01.04.2004 and the remaining legal heirs namely Smt. Geeta (widow) and Saroj, Gurdev Kaur, Rajni, Neelam Devi and Shakuntala (daughters) of the deceased have been excluded by way of the said Will.

Accordingly, in view of the averments made in the application, duly supported by affidavit of Bhag Singh son of the deceased petitioner, same is allowed subject to all just exceptions, without commenting upon the veracity and validity of the Will dated 01.04.2004. Legal heir as mentioned in para No.2 of the application is brought on record and permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-3683-CI-2016

Application has been filed for bringing on record the legal heir of deceased appellant No.11 Amar Singh, who is stated to have expired on 18.05.2014 leaving behind his legal heirs mentioned in para No.1. However, the legal heirs mentioned in para No.2 have claimed the right as such on the strength of registered Will No.64/3, dated

14.05.2014. The remaining legal heirs namely Smt. Dropati (mother), Smt. Palo Devi (widow), Paramjeet (daughter) have been excluded by way of the said Will.

Accordingly, in view of the averments made in the application, duly supported by affidavit of Mintu son of the deceased appellant, same is allowed subject to all just exceptions, without commenting upon the veracity and validity of the Will No.64/3, dated 14.05.2014. Legal heirs as mentioned in para No.2 of the application are brought on record and permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings. Amended memo of parties is taken on record. Office to tag the same at appropriate place.

CM stands disposed of.

Main case:

The appeal is allowed, in view of the detailed judgment of even date passed in **RFA No.1935 of 2009 'Kali Charan Vs. State of Haryana and another'**. The operative part in relief clause of the judgment reads as under:

“69. **Relief:**

(i) Resultantly, the appeals of the State pertaining to the first notification of village Chowki dated 26.06.1998 are dismissed and those of landowners are allowed and the market value is worked out @ Rs.943.20 per square yard (Rs.45,65,088/- per acre) alongwith all statutory benefits.

(ii) For the notification dated 27.03.2001 for the land acquired in village Nada the appeals filed by the State are dismissed and those of landowners are allowed. The amount is assessed @ Rs.1,290/- per square yard (Rs.62,43,600/- per acre) alongwith all statutory benefits.

(iii) *For the notification dated 08.12.2003 and 21.01.2004 the appeals filed by the landowners are allowed and those of State are dismissed. The market value is assessed @ Rs.1403.27 per square yard (Rs.67,91,826.80 per acre) alongwith all statutory benefits.*

(iv) *The State shall also comply with the directions laid down by the Apex Court in 'HSI IDC Vs. Pran Sukh' (2010) 11 SCC 175, to ensure that the landowners are not fleeced by the middleman, which read as under:*

(a) The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tahsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.

(b) The concerned officers shall also instruct the land owners and/or their legal representatives to open savings bank account in case they already do not have such account.

(c) The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months.

(d) The Land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners.

(v) The entitlement of the landowners would be to the amounts awarded above along with statutory benefits. The State would also be entitled to make adjustment of the amounts which have already been paid during the litigation.”

DECEMBER 13, 2018

pvd

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No