

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

RFA No.2788 of 2010 (O&M)

Date of Decision: 13.12.2018

Madan Lal (deceased) through his LRs and others Appellant(s)

Versus

State of Haryana and anotherRespondent(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-7076-CI-2010

Application has been filed for bringing on record the legal heir of deceased original petitioner Karam Chand, who is stated to have expired on 09.11.2009, during pendency of reference proceedings leaving behind his legal heirs mentioned in para No.2 of the application, who have claimed the right as such on the strength of registered Will dated 28.10.2002, except other legal heirs namely Smt. Gomti Devi (widow) and Kamla (daughter) of the deceased mentioned in para No.3, who have been excluded by way of said Will. However, a perusal of the case file would go on to show that one of the legal heirs of the deceased Karam Chand, namely Madan Lal (appellant in the present appeal) had also expired on 30.07.2016 and his legal heirs have already been impleaded vide order dated 22.09.2016.

Accordingly, in view of the averments made in the application, duly supported by affidavit of Madan Lal son of the deceased petitioner, same is allowed subject to all just exceptions, without commenting upon the veracity and validity of the Will dated 28.10.2002. 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.

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:
Whether Reportable:

Yes/No
Yes/No