

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

**RFA No.1801 of 2011 (O&M)
Date of Decision:01.08.2018**

Hari Om and others ...Appellants

Versus

State of Haryana and others ...Respondents

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

Present: Mr. Amrita Nagpal, Advocate for
Mr. Anil Kumar Rana, Advocate
for the appellants.

G.S. SANDHAWALIA, J. (ORAL)

CM-6916-CI-2018:

Notice in the application to the counsel for the State for listing of the appeal and disposal in terms of order dated 09.03.2018 passed by this Court in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'**.

Ms. Vibha Tiwari, AAG, Haryana, accepts notice on behalf of the State.

Keeping in view the matter is covered, case is taken up on board today itself.

CM stands disposed of.

CM-4224-CI-2011

Application has been filed for bringing on record the legal heirs of deceased Bhagwati. It is stated that the said appellant had expired on 28.07.2010 after filing of appeal leaving behind her legal heirs mentioned in para No.2 of the application, who are claiming as such

on the strength of registered Will dated 11.12.2007. It has been further averred that there are no other legal heirs of the deceased-appellant except the ones mentioned in para No.2 of the application.

Accordingly, in view of the averments made, duly supported by affidavit of one of the legal heirs Pritam son of Bhim Singh and without commenting upon the veracity of the Will dated 11.12.2007, the application is allowed, subject to all just exceptions. 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.

RFA No.1801 of 2011:

The appeal under Section 54 of the Land Acquisition Act, 1894 is decided against the award dated 27.01.2010 of Reference Court, Gurgaon and the notification in question is dated 06.03.2002 whereby the land was sought to be acquired. This Court in **Madan Pal (III) (supra)** has allowed the appeals filed by the landowners and dismissed the appeals of HSIDC (Haryana State Industrial Development Corporation) and MSIL (Martui Suzuki India Limited). The operative part of the judgment reads as under:

“140. Accordingly, the appeals filed by the HSIIDC seeking reduction in the compensation and of MSIL are dismissed and those of the land owners alongwith cross-objections are allowed.

(i) The market value of the land falling in five village i.e. Naharpur Kasan, Kasan, Bas Huria, Bas Khusla and Dhana is assessed @ Rs.41.40 lakhs per acre alongwith all statutory benefits.

(ii) The market value of land in village Manesar is assessed @

Rs.62.10 lakhs per acre alongwith all statutory benefits.

(iii) The appellant-M/s Kohli Holdings Private Limited in RFA No.4646 of 2010 would be entitled for compensation Rs.62.10 lakhs per acre, on account of it being given benefit of 50% of locational advantage being situated on the highway and in village Manesar apart from that it would be entitled for 30% more compensation on account of severance charges on the abovesaid market value alongwith all statutory benefits.

(iv) The directions of the Apex Court in the case of Pran Sukh will also be adhered to while disbursing the balance amount of compensation.

(v) Where appeals have been filed by the land owners which were beyond period of limitation and applications have been filed for condoning the delay with a condition that the land owners will not be entitled for the interest during the said period, the Executing Court shall ensure that the amounts are calculated and disbursed, keeping in the view the said condition which has been passed in the case of each and individual land owner.

*(vi) The appeals filed by the MSIL are dismissed on account of non-maintainability and in view of the observations of the Apex Court in the case of **Satish Kumar Gupta (supra)** being a post notification allottee.”*

Accordingly, the present appeal is also allowed in terms of the judgment passed in Madan Pal (III)' case (supra).

01.08.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No