

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

**RFA No.4592 of 2011**

**Decided on: 19.03.2018**

Jaibir & others

....Appellants

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Shailendra Jain, Sr.Advocate  
with Mr.Satyendra Chauhan, Advocate,  
Mr.Pawan Kumar, Sr.Advocate  
with Mr.Sudhir Aggarwal, Advocate  
Mr.R.A.Yadav, Advocate  
Mr.Pradeep Chokhar, Advocate, for  
Mr.P.R.Yadav, Advocate,  
Mr.Anil Kumar Rana, Advocate, for the landowners.

Mr.Sudeep Mahajan, Addl.A.G. Haryana.  
Ms.Safia Gupta, AAG, Haryana.

Mr.Pritam Singh Saini, Advocate, for HSIIDC.

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**G.S. SANDHAWALIA, J. (Oral)**

The present appeal, i.e., RFA-4592-2011 RFA-4307-2011

RFA-3009-2011 RFA-4455-2011 RFA-4464-2011 RFA-4477-2011

RFA-4591-2011 RFA-4600-2011 RFA-4604-2011 RFA-4608-2011

RFA-4841-2011 RFA-5385-2011 RFA-5386-2011 RFA-5941-2011

RFA-5945-2011 RFA-5947-2011 RFA-5954-2011 RFA-6735-2011

RFA-6736-2011 RFA-6738-2011 RFA-6804-2011 RFA-6805-2011

RFA-7122-2011 RFA-7260-2011 RFA-7336-2011 RFA-7337-2011

RFA-7339-2011 RFA-7341-2011 RFA-7645-2011 RFA-271-2012

RFA-1087-2012 RFA-1189-2012 RFA-2842-2012 RFA-6546-2012

RFA-3369-2014 RFA-5272-2014 RFA-7225-2014 RFA-9171-2014

RFA-7335-2015 RFA-7336-2015 RFA-7337-2015 RFA-2238-2016, 4606,  
4607, 5230, 5231, 5942, 5944, 5946, 5948, 5949, 5950, 5951, 5952, 5953,

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5955, 5956, 5957, 6737, 6797, 6798, 7340, 7370, 7654, 523, 553, 4202, 4586, 4202, 4586, 1082, 4201, 4587, 4588, 4590, 4595, 4596, 4597, 4598, 4599, 4601, 4602, 4603, 4605, 4154, 5943-2011 & RFA-1088-2012, arise out of the notifications dated 26.02.2002, whereby the land was acquired for Phase-IV of IMT, Manesar, of the 4 villages, i.e., Villages Bas Kusla, Bas Haria, Dhana & Kasan.

The orders of the Reference Court are dated 21.12.2010 & 07.03.2011. In the impugned orders, it has wrongly been mentioned at one place that the notification is dated 26.06.2002 and in the judgments itself, in para Nos.11 & 14, reference has been made to the correct notification as 26.02.2002.

This Court in RFA-2373-2010 titled '**Madan Pal (III) Vs. State of Haryana and another**' and other connected appeals, on 09.03.2018, has already fixed the compensation for the said villages @ Rs.41.40 lacs per acre for notification dated 26.02.2002. Relevant part of the judgment dated 09.03.2018 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

***RFA-4592-2011 & other connected cases***

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.”

The present appeals, accordingly, stand allowed, in the same terms.

19.03.2018  
*Sailesh*

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

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|-----------------------------------|---------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes/No</i> |
| <i>Whether Reportable:</i>        | <i>Yes/No</i> |