

FAO No. 4325 of 2014+connected cases

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

Date of Decision : 29.1.2018

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FAO No.4325-2014 (O&M)

MEENA AND OTHERS

....APPELLANTS

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.4326-2014 (O&M)

RAJO DEVI AND ANOTHER

....APPELLANTS

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.4327-2014 (O&M)

RAMESHWAR

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.4328-2014 (O&M)

KARTAR SINGH

....APPELLANTS

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.4353-2014 (O&M)

AJAY KUMAR AND OTHERS

....APPELLANTS

VS

FAO No. 4325 of 2014+connected cases

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-6 **FAO No.4354-2014 (O&M)**

BISHEMBER AND OTHERS **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-7 **FAO No.5335-2014 (O&M)**

DINESH AND ANOTHER **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-8 **FAO No.5336-2014 (O&M)**

NAWAL SINGH AND ANOTHER **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-9 **FAO No.5337-2014 (O&M)**

SHRI KISHAN AND ANOTHER **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-10 **FAO No.5338-2014 (O&M)**

OM PARKASH AND OTHERS **....APPELLANTS**

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221-11 **FAO No.5448-2014 (O&M)**

FAO No. 4325 of 2014+connected cases

DHARAM PAL AND OTHERS **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-12 **FAO No.5449-2014 (O&M)**

KIRAN PAL **....APPELLANT**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-13 **FAO No.5666-2014 (O&M)**

DAYA KISHAN AND OTHERS **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-14 **FAO No.5670-2014 (O&M)**

PAWAN KUMAR AND OTHERS **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-15 **FAO No.5671-2014 (O&M)**

YOGESHWAR DAYAL AND ANOTHER **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-16 **FAO No.5675-2014 (O&M)**

VIJAY KUMAR AND OTHERS **....APPELLANTS**

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UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-17 **FAO No.5677-2014 (O&M)**

INDER DATT AND OTHERS **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-18 **FAO No.5679-2014 (O&M)**

TIKA RAM **....APPELLANT**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-19 **FAO No.5682-2014 (O&M)**

BIRO AND OTHERS **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-20 **FAO No.6296-2014 (O&M)**

SAVTI AND OTHERS **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-21 **FAO No.7577-2014 (O&M)**

NAURANG SINGH **....APPELLANT**

VS

UNION OF INDIA AND OTHERS

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RAJ SINGH

....APPELLANT

UNION OF INDIA AND OTHERS

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....APPELLANTS

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....RESPONDENTS

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MANOJ KUMAR

VS

....APPELLANT

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GAUTAM AND OTHERS

....APPELLANTS

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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MANOJ KUMAR AND OTHERS

....APPELLANTS

VS

....APPELLANT

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VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-32 **FAO No.9948-2014 (O&M)**

BALJIT SINGH **. ...APPELLANT**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-33 **FAO No.9949-2014 (O&M)**

POHKAR **....APPELLANT**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-34 **FAO No.9950-2014 (O&M)**

BHULLE RAM AND ANOTHER **....APPELLANTS**

VS

UNION OF INDIA AND ANOTHER **....RESPONDENTS**

221-35 **FAO No.9952-2014 (O&M)**

HARPAL SINGH **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-36 **FAO No.5673-2014 (O&M)**

PARTH SINGH **....APPELLANT**

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VS

DISTRICT REVENUE OFFICER AND OTHERS ..RESPONDENTS221-37 **FAO No.5680-2014 (O&M)**

DHARAMPAL AND ANOTHERAPPELLANTS

VS

DISTRICT REVENUE OFFICER AND OTHERS ...RESPONDENTS221-38 **FAO No.9945-2014 (O&M)**

TAHAR SINGH **....APPELLANT**

VS

DRO AND ANOTHER ...RESPONDENTS

221-39 **FAO No.9946-2014 (O&M)**

JAGDISH **....APPELLANTS**

VS

DRO AND ANOTHERRESPONDENTS

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FAO No.9947-2014 (O&M)

ZILE SINGH AND OTHERSAPPELLANTS

VS

DRO AND ANOTHER ...RESPONDENTS

221-41 **FAO No.9951-2014 (O&M)**

CHAINI AND OTHERS ...APPELLANTS

VS

DRO AND ANOTHER ...RESPONDENTS

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FAO No.4346-2014 (O&M)

ASHOK KUMAR AND OTHERS

....APPELLANTS

VS

DISTRICT REVENUE OFFICE RAND OTHERS

....RESPONDENTS

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FAO No.2734-2015 (O&M)

ASHOK KUMAR AND OTHERS

....APPELLANTS

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.2735-2015 (O&M)

VIRENDER AND OTHERS

....APPELLANTS

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.2736-2015 (O&M)

RAGHUBIR SINGH

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.2737-2015 (O&M)

NARENDER KUMAR

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.2738-2015 (O&M)

VED SINGH

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.3138-2015(O&M)

CHARAN SINGH

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.3139-2015 (O&M)

GAJE SINGH

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.3140-2015 (O&M)

VIRENDER SINGH AND ANOTHER

....APPELLANTS

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.3209-2015 (O&M)

KALI RAM AND OTHERS

....APPELLANTS

VS

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UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.3210-2015 (O&M)

DALIP SINGHAND OTHERS

....APPELLANTS

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.3211-2015 (O&M)

KALI RAM

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.3213-2015 (O&M)

VIR SAIN

....APPELLANTS

VS

UNION OF INDIA AND OTHERS

...RESPONDENTS

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FAO No.3309-2015 (O&M)

PHOOL SINGH

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

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FAO No.3310-2015 (O&M)

PINKI DEVI

....APPELLANT

VS

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UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-57 **FAO No.4351-2015 (O&M)**

RAJENDER SINGH AND OTHERS **....APPELLANTS**

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UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-58 **FAO No.4352-2015 (O&M)**

PHOOL SINGH **....APPELLANT**

VS

DRO-CUM-COMPETENT AUTHORITY AND ANOTHER
....RESPONDENTS

221-59 **FAO No.4379-2015 (O&M)**

RAJENDER SINGH SINCE DECEASED THROUGH LRS
....APPELLANTS

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

221-60 **FAO No.1751-2016 (O&M)**

DILPAT SINGH AND ANOTHER **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS **....RESPONDENTS**

226 **FAO No.6579-2015 (O&M)**

TAHAR SINGH AND OTHERS **....APPELLANTS**

VS

UNION OF INDIA AND OTHERS

...RESPONDENTS

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FAO No.4141-2017 (O&M)

INDER PAL @ DEVENDER(NOW DECEASED) THROUGH HIS
LRS

...APPELLANTS

VS

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vikaram Punia, Advocate
Mr. Vikram Sharma, Advocate for
Mr. Virender Khattri, Advocate
Mr. Ashwani Gaur, Advocate
Mr. Sandeep Singh, Advocate
Mr. Surinder Gaur, Advocate
Mr. Navneet Singh, Advocate
Mr. Surender Saini, Advocate
for the appellant(s).

Mr. Chetan Mittal, Senior Advocate with
Mr. Varun Issar, Advocate
Mr. Sunil K. Sahore, Advocate and
Mr. Mukesh Kumar, Advocate
for respondents-NHAI and UOI.

Dr. Sushil Gautam , DAG, Haryana.

AJAY TEWARI, J.(Oral)

CM-21727-CII-2017 IN FAO No. 8035-2014

This is an application under order 41 Rule 27 read with Section 107 and Section 151 CPC for production by way of additional evidence of the award dated 12.4.2017 passed by the Arbitrator. It may be mentioned here that the main appeal forms a group of appeals whereby the land owners have challenged an order under Section 34 declining to interfere with an

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award dated 21.12.2010. It has been submitted that in another set of cases arising out of the same acquisition under Section 34 applications were filed by a different set of land owners and in those proceedings the Additional District & Sessions Judge had set aside the award and remanded the case back for a fresh award and it is that fresh award which has been sought to be place on the record.

Learned Senior counsel appearing on behalf of the NHAI has accepted that in fact this has indeed occurred and the respondent had submitted to that remand and a fresh award had been passed.

Consequently, this application is allowed and the award is taken on record.

Main Cases

This order shall dispose of the aforesaid appeals as common questions of law and facts are involve therein.

Learned counsel for the appellant submit that from the same acquisition different compensation has been awarded to one set of land owners and to the other set of land owners. They have consequently prayed that this appeal should be allowed, the award should be set aside and the matter be remanded again as in the previous case so that this apparent incongruity in the of compensation arising out of the same acquisition is settled. The learned Senior Counsel appearing on behalf of the respondent is not in a position to deny the reasonableness of the request. In my opinion, it would otherwise be most improper if land acquired by one acquisition for the same public purpose should be treated differently as far as compensation is concerned.

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In the circumstances, all these appeals are allowed and the matter is remanded back to the Arbitrator, Sonapat for a fresh award. It is directed that the fresh award be passed within six months.

Since the main cases have been decided, the pending civil miscellaneous applications with regard to bring on record LR's, for condonation of delays in filing or refiling the appeals, if any, and other applications stand disposed of.

29.1.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No