

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

**RFA No.4670 of 2013 (O&M)**

**Decided on: 20.03.2018**

HSI IDC

....Appellant

Versus

Kanwar Singh & others

...Respondents

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

Present: Mr.Shailendra Jain, Sr.Advocate  
with Mr.H.J.Singh, Advocate,  
Mr.J.P.Ahlawat, Advocate, for  
Mr.N.D.Achint, Advocate  
Mr.Sandeep Sharma, Advocate  
Mr.S.K.Tripathi, Advocate  
Mr.Amit Jain, Advocate  
Mr.A.K.Jindal, Advocate  
Mr.Aditya Jain, Advocate  
Mr.Atul Yadav, Advocate  
Mr.Rakesh Dhiman, Advocate  
Mr.Amandeep Rana, Advocate,  
Mr.Sudhir Aggarwal, Advocate,  
Mr.Rajesh Lamba, Advocate, for  
Mr.S.K.Yadav, Advocate, for the landowners.

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

Mr.Pritam Singh Saini, Advocate, for HSI IDC.

Mr.Vipul Aggarwal, Advocate, for GP-Sultanpur.

Mr.A.K.Jindal, Advocate,  
for respondent No.1 in RFA-10303-2014.

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

The present set of appeals, filed by the landowners and by the

HSI IDC, bearing RFA-4670-2013 RFA-4269-2013 RFA-4270-2013

RFA-4320-2013 RFA-4368-2013 RFA-4376-2013 RFA-4382-2013

RFA-4430-2013 RFA-4671-2013 RFA-4672-2013 RFA-4673-2013

RFA-4674-2013 RFA-4675-2013 RFA-4676-2013 RFA-4773-2013

RFA-4774-2013 RFA-4775-2013 RFA-4776-2013 RFA-4777-2013

***RFA-4670-2013 & other connected cases***

RFA-4778-2013 RFA-4779-2013 RFA-4780-2013 RFA-4781-2013  
RFA-4782-2013 RFA-4783-2013 RFA-4810-2013 RFA-4812-2013  
RFA-4813-2013 RFA-4814-2013 RFA-4815-2013 RFA-4816-2013  
RFA-4817-2013 RFA-4818-2013 RFA-4991-2013 RFA-5010-2013  
RFA-5077-2013 RFA-5413-2013 RFA-5482-2013 RFA-5483-2013  
RFA-5674-2013 RFA-6178-2013 RFA-6179-2013 RFA-6427-2013  
RFA-234-2014 RFA-368-2014 RFA-830-2014 RFA-1580-2014 RFA-  
2447-2014 RFA-2448-2014 RFA-9146-2014 RFA-10253-2014 RFA-  
10302-2014 RFA-10303-2014 RFA-10679-2014 RFA-1506-2015 RFA-  
312-2016 RFA-819-2017 and RFA-1321-2017, have been filed under  
Section 54 of the Land Acquisition Act, 1894, against the order of the  
Reference Court dated 11.01.2013 for Village Sultanpur, dated  
11.02.2013 for Village Dhana, dated 11.03.2013 for Village Babra  
Bakipur, dated 25.03.2013 for Village Patti Hajipur and dated 16.12.2013  
for Village Bhaganki.

The acquisition was for construction and development of  
Toll Plaza connecting National Highways No.1, 10, 8 & 2. The  
compensation awarded by the Land Acquisition Collector was Rs.35 lacs  
per acre qua the Section 4 notification dated 11.12.2007. The Reference  
Court enhanced the compensation on the basis of applying a 12%  
cumulative increase on the award passed (Ext.P-7) in Dharam Singh Vs.  
State of Haryana, pertaining to Village Babra Bakipur, wherein the  
acquisition was for construction of Kundi-Manesar-Palwal Express  
Highway, connecting the National Highways No.1, 10, 8 & 2. The

notification in that case was dated 11.01.2005 and therefore, enhancement was granted on the principle of cumulative increase and the Reference Court assessed the market value at Rs.60,12,091/- per acre.

It is not disputed that a Co-ordinate Bench in **Attar Singh Vs. State of Haryana & others 2016 SCC Online P&H 11618**, on 05.02.2016, enhanced the amount to Rs.62,11,700/-, for the notification dated 11.01.2005, which was the basis for enhancement. The Apex Court in CA-885-2018 titled *Surender Singh Vs. State of Haryana & others*, decided on 25.01.2018, set aside the said judgment and remanded the matter to the Reference Court, to decide the reference cases, afresh. Relevant portion of the judgment reads as under:

“42. In the light of the foregoing discussion, we find it difficult at this stage to determine the fair market rate of the acquired land for want of sufficient evidence. If we do, it will cause prejudice to the parties. We, therefore, refrain from doing so.

43. In view of the foregoing discussion, we allow the appeals filed by the State, set aside the impugned judgment and the award of the Reference Court (Civil Courts) and remand the cases to the Reference Court for deciding all reference cases afresh on merits keeping in view our observations made supra.

44. Parties would be at liberty to adduce additional evidence in support of their respective stand both oral and documentary. The Reference Court will accordingly decide the rate of land as prevalent on the date of acquisition in the light of law laid down by this Court strictly in accordance with law uninfluenced by any finding of the High Court and this Court on the merits.

45. Parties to appear before the Reference Court on 05.02.2018 to enable the Reference Court to proceed in the cases and ensure its disposal within one year from the date of appearance of the parties as an outer limit. The original record of the case, if requisitioned here, be sent back forthwith to the concerned Reference Court.

46. Since we have remanded these cases to the Reference Court for fresh adjudication on merits in accordance with law, the appellants (landowners) are entitled to get back the amount of court fee paid by each appellant (landowner) on his appeal memo before the High Court as also before this Court as provided under [Section 13](#) of the Court Fees Act.”

Once the award which had been relied upon and which is the basis of enhancement for the notification dated 11.12.2007 has itself been set aside and the matter has been remanded for fresh decision, the present award cannot be sustained.

Counsels for the parties also could not dispute the said proposition.

Accordingly, the present set of appeals are disposed of, by remanding the matter to the Reference Court, for a fresh decision, in the same terms as in Surender Singh's case (supra). Needless to say that whatever amount the landowners have received, the same shall not be recovered from them, till the decision of the Reference Petitions.

20.03.2018  
*Sailesh*

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

*Whether speaking/reasoned:*                      *Yes/No*

*Whether Reportable:*                              *Yes/No*