

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

**CM-2703-CI-2017 in/and
RFA-3814-2016
Date of decision : 08.05.2018**

Sahab Singh

....Appellant

Versus

State of Haryana & others

...Respondents

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

Present: Ms.Ramandeep Kaur, Advocate, for
Mr.Sandeep Chhabra, Advocate, for the appellant.

Mr.Shivendra Swaroop, AAG, Haryana.

Ms.Chhavi Sharma, Advocate, for
Mr.Bhupinder Singh, Advocate, for respondent No.2.

G.S. SANDHAWALIA, J. (Oral)

Application has been filed for disposal of the present appeal, in the same terms as in RFA-1848-2007 titled *State of Haryana Vs. Nafe Singh & others*, decided on 12.01.2017 (Annexure A-1) wherein compensation had been assessed @ 203.2 (rounded of to Rs.203). The notification in question is dated 17.06.2003, pertaining to Village Sutana, District Panipat. The Reference Court had awarded a sum of Rs.197.97 per sq.yard and while deciding the dispute *inter se* under Section 30 of the Land Acquisition Act, 1894, held the appellants entitled to 3/4th share of the compensation being *gair marusi* tenant, vide award dated 08.08.2007. The appeal was ordered to be admitted, to be heard with RFA-1848-2007 and the operative portion of the judgment dated 12.01.2017 in the said case reads as under:

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“It is the common case of the parties that in the appeals arising out of the award dated 31.05.2002 and 24.12.2005 (Ex.P10 and P11), respectively, this Court vide order dated 06.09.2016 rendered in the case of Sampuran Singh and others (supra), had enhanced the compensation from ₹ 97.94p. per sq. yard to ₹ 127/- per sq. yard. Therefore, respondents-claimants shall be entitled to an annual increase @ 7.5% per annum, upon the said amount i.e. ₹ 127x12/100 i.e. ₹ 9.525. And, for, the time difference between two notifications i.e.from 12.12.1994 to 17.06.2003 is eight years, six months and five days, the claimants-landowners shall be entitled to annual increase only for a period of eight years i.e.9.525 x 8 =76.2. Thus, the compensation to which the claimants-landowners are held entitled to is 127+76.2=203.2p. per square yard, which is rounded of to ₹ 203/-.”

Counsels for the respondents are in no position to deny the above facts. State Counsel further points out that SLP(C) No.22537-22573 of 2017, against the said order, stands dismissed by the Apex Court vide judgment dated 25.08.2017.

Accordingly, the present application is allowed and the main appeal is allowed in the same terms as in RFA-1848-2007.

08.05.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No