

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

RFA No. 7039 of 2015 (O & M)

Date of decision: 10.01.2018

Haryana State Industrial Infrastructure Development Corporation and
anotherAppellant(s)

Versus

Umrao and others ...Respondent(s)

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

Present: Ms. Chhavi Sharma, Advocate,
for Mr. P.S. Chauhan, Advocate, for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The present order shall dispose of three appeals i.e. RFA Nos. 7039, 7040 and 7047 of 2015, as common questions of facts and law are involved in all the appeals. Reference is being made to ***RFA No. 7039 of 2015, Haryana State Industrial Infrastructure Development Corporation and another vs. Umrao and others.***

The present appeals have been filed by the HSIDC challenging the order dated 24.03.2015 whereby, the Additional District Judge, Rewari, while deciding the reference of the land owner under Section 18 of the Land Acquisition Act, 1894 (in short 'the Act'), enhanced the compensation @ Rs.22 lacs per acre for all types of land alongwith the statutory benefits. The notification was issued under Section 4 of the Act on 31.10.2008 of land measuring 641 kanals 15 marlas for the Revenue Estate of village Patuhera, Tehsil Bawal, District Rewari for the extension of the Industrial Growth Centre, Bawal.

The enhancement was on the basis of an award dated

17.01.2015 in L.A. Case No. 161 of 2011 titled Babu Lal and others vs. State of Haryana and others. Counsel has pointed out that in ***RFA No. 3522 of 2015 filed by Babu Lal and others vs. State of Haryana***, a Co-ordinate Bench has remanded the matters to the Reference Court on 25.10.2017 on the ground that the sale deeds of the land in the revenue estates were not taken into consideration for determining the market value.

The said view was thereafter followed in another set of appeals filed by the Corporation in ***RFA No. 7037 of 2015*** on 27.11.2017 ***HSIDC and another vs. Ram Phal and others***. In the said appeal also, several land owners were not appearing despite service, which is also the situation herein also while others have died during the pendency of the proceedings. The order dated 27.11.2017 reads thus:-

*“Vide this order and judgment, I shall decide a batch of 37 appeals, of which 33 appeals have been filed by the HSIIDC and the rest 4 appeals are preferred by the claimant-landowners. However, by consensus, the facts are being culled from **RFA No. 7037 of 2015 (Haryana State Industrial Infrastructure Development Corporation, Chandigarh and another Vs. Ram Phal and others)**.*

*Vide notification, dated 31.10.2008, issued under Section 4 of the Land Acquisition Act, 1894, a land situated in six different villages, i.e. **Deodhai, Baghthala, Patuhera, Banipur, Karnawas and Asalwas, Tehsil Bawal, District Rewari**, was sought to be acquired for extension of Industrial Growth Centre, Bawal. The final declaration under Section 6 was published on 08.07.2009. The Land Acquisition Collector, vide six separate awards, for each of the villages, assessed the market value of the acquired land*

*at `16,00,000/- per acre. And, vide impugned awards, the Reference Court had enhanced the compensation to `22,00,000/- per acre. Concededly, all what forms basis of assessment by the Reference Court is its previous award dated 17.1.2015, passed in LA No. 161 of 2001 (Babulal and others Vs. State of Haryana and others), vide which, a similar land was assessed at the same rate. However, it is contended by the learned counsel for the parties that since the award rendered by the Reference Court in the case of Babu Lal (supra) was set aside by this Court, vide order and judgment dated 25.10.2017, rendered in **RFA No. 3522 of 2015 (Babu Lal and others Vs. State of Haryana and others)** and the matter has since been remitted, the very basis of the impugned awards is non-existent. Thus, as a necessary consequence, the awards rendered by the Reference Court even in these proceedings shall have to be set aside. And the matter at hands too is required to be remitted for a decision afresh.*

In fact, in few of these appeals, service of the claimant-landowners was not complete, which is why these appeals were listed for 13.2.2018. But as most of the unserved respondents were represented by their counsel in the cross appeals, which were disposed of on 25.10.2017, appellants moved an application for preponing the hearing in these appeals. Accordingly, vide order dated 21.11.2017, the appeals were preponed to 22.11.2017. And, now when the respondents are represented by their respective counsel, except in RFA Nos. 7037, 7044 to 7046, 7051, 7053 & 7054 of 2015 in which none has chosen to appear despite service, service in all these appeals is complete.

Thus, in the wake of the above, the appeals are disposed of in terms of the decision of this Court, dated

*25.10.2017 in the case of **Babu Lal and others (supra)**.
Accordingly, parties are directed to appear before the
District Judge, Rewari, on 12.12.2017. Needless to
assert, that even these land references shall be assigned
to the same Court which is seized of the connected
matters remitted earlier.”*

Accordingly, the present appeals are also allowed in the same
terms and the matters are remanded to the District Judge, Rewari.

10.01.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No