

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

RFA No. 2087 of 2018 (O & M)

Date of decision: 25.05.2018

Jeet Kaur and others

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Kulvir Narwal, Advocate,
for the appellants.

Ms. Safia Gupta, AAG, Haryana.

Mr. P.S. Saini, Advocate,
for respondent no. 3.

G.S.SANDHAWALIA, J. (Oral)

The present appeal arises out of the award passed by the Reference Court, Jhajjar dated 17.01.2012 whereby, the market value had been fixed at Rs.12,50,000/- per acre for the notification dated 17.11.2004 which was for the purpose of construction of the express highway in Majri. The appeal is barred by 2188 days in filing the same. C.M. No. 4596-CI of 2018 has also been filed regarding this aspect.

Keeping in view the fact that in the connected matter in ***RFA No. 429 of 2013, Raj Singh and others, State of Haryana and another*** decided on 02.05.2016, the amount had been enhanced to Rs.19,91,300/- per acre, this Court is of the view that equities can be balanced by denying the benefit of interest to the appellants interest from the date of award till the date of filing of the appeal in view of the law laid down by the Apex Court in ***Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133*** and ***Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127.***

Accordingly, delay is condoned, subject to the condition that the appellants shall not be entitled for the benefit of interest from the date of award till the date of filing of the appeal i.e. for 2188 days.

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In ***RFA No. 1427 of 2017, Rajit and another vs. State of Haryana and others*** decided on 12.02.2016 for the adjoining village namely Badli for which the notification was issued 2 days later on 19.11.2004 for the same purpose i.e. for development of express highway known as Kundli-Manesar-Palwal Express Highway, sum of Rs.19,91,300/- per acre was granted which has been upheld by the Apex Court, as per counsels for the respondents.

Village Majri also falls in the same vicinity and *Raj Singh's case (supra)* was decided in the same terms as in *Rajit's case*. Relevant portion of the same reads thus:-

“After hearing the learned counsel for the parties and going through the record of the case, order dated 12.2.2016 passed by this Court in Rajit's case (supra) has been found having a direct bearing on the instant appeal. It has gone undisputed before this Court that the only difference in Rajit's case (supra) and the present appeal is that there was a gap of one day between the notification under Section 4 of the Land Acquisition Act, 1894 (‘the Act’ for short), issued in both these cases but purpose of acquisition was the same.

In view of the above-said undisputed fact situation obtaining in the present case, the instant appeal is ordered to be disposed of, in terms of the order dated 12.2.2016 passed by this Court in Rajit's case (supra).

The above-said factual aspect of the matter has not been disputed either by the learned counsel for the State or by the learned counsel for respondent No.2 and rightly so, it being a matter of record. It is also not in dispute that acquisitions in Rajit's case (supra) and the present appeal were out of adjoining revenue estates. Since there was no factual difference between the present appeal and the bunch of appeals decided by this Court vide order dated 12.2.2016 passed in Rajit's case (supra), the instant appeal is also ordered to be disposed of, in terms of the order dated 12.2.2016 passed by this Court in Rajit's case (supra).

Accordingly, the land owners-appellants are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.19,91,300/- per acre from the date of notification under Section 4 of the Act, as assessed by this Court in Rajit's case (supra). The land owners are also held entitled to receive 40% of the market value on account of severance charges. Besides this, the land owners shall be entitled to all the statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the above-said observations made, the instant appeal stands partly allowed, in the afore-said terms, however, with no order as to costs.”

Counsels for the respondents could not dispute the said fact.

Resultantly, the present appeal is also disposed of in the same terms, as above.

25.05.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

