

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA No.2236 of 2018(O&M)

Date of decision: 11.7.2018

Ram Kaur and others

...Appellants

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Navneet Singh, Advocate for the applicants-appellants.

Ms. Vibha Tewari, Assistant Advocate General, Haryana
for respondents no.1 and 2.

None for respondent no.3.

G.S.SANDHAWALIA, J. (Oral)

The present appeal under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act”) has been directed against the award dated 31.1.2014 passed by the Reference Court, Sonapat regarding notification dated 8.6.2009. A sum of ₹ 20,80,000/- per acre along with statutory benefits has been awarded and the appeal is barred by 1465 days.

Counsel for the appellants has submitted that the notification under Section 4 read with Section 17(2) (c) of the Act in question dated 8.6.2009 was subject matter of consideration in **RFA No.3397 of 2014-Katar Singh and others Vs. State of Haryana and others** decided on 16.2.2016 and the amount was further enhanced to ₹ 24,45,465/- per acre along with statutory benefits. The relevant portion reads as under:-

“Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that all the appeals filed by the land owners deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The land owners in the appeals arising out of

acquisition dated 18.03.2009 as well as the land owners in the appeals arising out of the acquisition dated 08.06.2009, are held entitled to receive the compensation for their acquired land, at the uniform rate of Rs.24,45,465/- per acre, from the date of notification under Section 4 of the Act. They are also held entitled to receive 50% of the above said market value on account of severance charges. Besides this, the land owners, in both these acquisitions, shall be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.

Resultantly, with the observations made above, all these 91 appeals stand disposed of, in the above said terms, however, with no order as to costs.”

Counsel for the State has pointed out that **SLP No.27833 of 2016-Kamal Aggarwal and others Vs. State of Haryana and others** filed by land owners has been dismissed on 21.10.2016 against the said judgment.

Accordingly, this Court is of the opinion that to maintain parity the appellants are entitled for the benefit as given in **Katar Singh's case** (supra) and the interest of the State can be protected by not granting interest for the period of 1465 days in view of judgments of the Apex Court in **Imrat Lal and others Vs. Land Acquisition Collector and others 2014 (14) SCC 133** and **Dhiraj Singh (D) Tr. LRs. and others Vs. Haryana State and others 2015(1) SCC (Civil) 236.**

Accordingly, the present appeal along with Civil Misc. Applications stands allowed accordingly.

July 11, 2018
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No