

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA-3085-2018(O&M)

Date of decision: 17.07.2018

Nand Ram & another

....Appellants

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Rajinder Singh, Advocate, for
Mr.M.S.Tewatia, Advocate, for the appellants.

G.S. SANDHAWALIA, J. (Oral)

CM-6772-6773-CI-2018

Notice in the applications for condoning the delay of 2305 days and 71 days in refiling and filing the appeal, respectively.

Ms.Vibha Tiwari, AAG, Haryana and Mr.P.S.Saini, Advocate, accept notice on behalf of the State and HSIIDC, respectively.

Accordingly, in view of the averments made in the applications, duly supported by affidavit, same are allowed. Delay of 2305 days and 71 days in refiling and filing the appeal, respectively, is condoned.

CMs stand disposed of.

CM-6774-CI-2018

Notice in the application for treating the present appeal as an urgent, for disposal in the same terms as in RFA-2322-2011 titled *Usha Rani Vs. State of Haryana*, decided on 28.03.2016.

Ms.Vibha Tiwari, AAG, Haryana and Mr.P.S.Saini, Advocate, accept notice on behalf of the State and HSIIDC, respectively.

The award dated 19.08.2016 of the Reference Court, Palwal in the instant appeal is arising out of the notification dated 25.08.2005, for the lands falling in Village Gailpur, Tehsil Palwal District Faridabad, which was subject matter of a bunch of cases on 28.03.2016, the lead case of which was **Usha Rani** (supra). The

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compensation had been enhanced from Rs.12,50,000/- to Rs.48,57,000/- per acre. The matter was taken to the Apex Court by both sides in SLP (C) Nos.20497- 20500-2016 titled 'Bharti & another Vs. State of Haryana & others', and the State Appeals were allowed on 21.09.2017 and reduction had been done by putting a cut on the enhancement, to the tune of 30-33% and compensation had been reduced to Rs.32,62,500/- per acre. Relevant portion of the judgment reads as under: -

“In the facts of the case considering its situation for development and smallness of comparable land we deduct approximately 32 to 33 % of amount. We reduce the compensation, as determined by the High Court, to Rs.32,62,500/- per acre for aforesaid villages of District Palwal. The amount of compensation awarded at the aforesaid rate, to carry the statutory benefits. The amount which has not been paid so far be paid within a period of three months from today. The appeals filed by the State are allowed to the aforesaid extent, and that by the landowners are also, accordingly, disposed of.”

Accordingly, the present appeal is allowed, by modifying the order of the Reference Court, enhancing the amount of compensation to the tune of Rs.32,62,500/- per acre along with all statutory benefits. The said amount be paid within a period of 3 months, from today.

17.07.2018

Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No