

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

RFA No. 3392 of 2018 (O & M)

Date of decision: 10.08.2018

Shri Chand (D) through L.Rs.

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

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

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 7543-CI of 2018

Allowed as prayed for.

C.M. Nos. 7539-CI and 7541-CI of 2018

Notice in the applications for condoning the delay of 2288 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 2288 days and 71
days in refiling and filing the appeal, respectively, is condoned.

C.M.s stand disposed of.

C.M. No. 7540-CI of 2018

Application has been filed for bringing on record legal
representatives of deceased appellant-Shir Chand who is stated to have died
on 05.07.2016. It has been averred in the application that persons

mentioned in para no. 2 of the application are the legal representatives. The application is supported by affidavit of Tejbir, legal representative.

Accordingly, the application is allowed subject to just exceptions. Persons mentioned in para no. 2 of the application are allowed to be brought on record as legal representatives of deceased-appellant, only for the purpose of pursuing the present appeal. The present order shall not ensure any benefit in any other set of proceedings.

C.M. No. 7542-CI of 2018 in/and

RFA No. 3392 of 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 25.08.2011 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 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.

10.08.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No