

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

RFA No.4643 of 2017 (O&M)

Gurdev Singh

... Appellant

Versus

State of Haryana and another

... Respondents

(2)

RFA No.4644 of 2017 (O&M)

Sardara Singh

... Appellant

Versus

State of Haryana and another

... Respondents

(3)

RFA No.4645 of 2017 (O&M)

Avtar Singh

... Appellant

Versus

State of Haryana and another

... Respondents

(4)

RFA No.4646 of 2017 (O&M)

Amarjeet Singh

... Appellant

Versus

State of Haryana and another

... Respondents

Decided on : 11.01.2018

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

Present : Mr. Jagjit Singh Chatrath, Advocate
for the appellant (s).

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Applications for condoning the delay in re-filing the appeals

Applications have been filed for condoning the delay ranging
between 945 days to 958 days in re-filing the present appeals.

For the reasons set out in the applications, duly supported by affidavits, the same are allowed. The delay in re-filing the appeals is condoned.

CMs stand disposed of.

Applications for condoning the delay in filing the appeals

Applications have been filed for condoning the delay ranging between 142 days to 147 days in filing the present appeals.

Notice of the applications.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the respondents.

In view of the proposed order to be passed, this Court feels that the delay is liable to be condoned, since the matters are to be remanded for fresh decision and the State would not be prejudiced as it has got an order of remand regarding the same acquisition.

Accordingly, the present applications are allowed and the delay in filing the appeals is condoned.

CMs stand disposed of.

Main appeals

The present order shall dispose of 4 appeals i.e. **RFA Nos.4643 to 4646 of 2017**. The facts are being taken from **RFA No.4643 of 2017 'Gurdev Singh Vs. State of Haryana and another'**.

The challenge in the present appeal is to the award dated 04.02.2014 passed by the Additional District Judge, Panchkula, whereby the Reference Petition under Section 18 of the Land Acquisition Act,

1894 (for short 'the Act') was decided.

The notification under Section 4 of the Act was issued on 30.11.2006 for acquisition of the land the land measuring 465.29 acres for the purposes of development and utilization of land as residential area for Sectors, 27, 28 and 30 at Pinjore by Haryana Urban Development Authority (HUDA).

The Reference Court assessed compensation @ ₹972/- per square yard on account of the earlier Award (Ex.P1) passed on 18.11.2013.

It is not disputed that in a bunch of cases, lead case of which was **RFA No.1854 of 2015 'State of Haryana through Land Acquisition Collector, Urban Estate, Panchkula Vs. Smt. Ram Kaur and another'** decided on 24.05.2017, the Coordinate Bench has set aside the award passed by the Reference Court pertaining to the same notification and remanded the issue while noticing that the facts were not common, as have been noticed by the Reference Court qua the earlier award. The relevant part of the said judgment reads as under:-

“That being so, the impugned award(s) is set aside. The matter is remitted to the District Judge, Panchkula for consideration of the claim of the landowners afresh in accordance with law. Now, when the matter is being remanded, the parties to the lis shall be at liberty to adduce any further evidence, if necessary. The reference Court shall award two opportunities to each of the parties on the dates that shall be specified in this regard. However, in the event of default the right to lead further evidence shall stand forfeited. As has been informed, during the course of

hearing, by the learned counsel for the parties that pursuant to the award(s) rendered by the reference Court the claimants/landowners have even withdrawn the enhanced compensation since long. The amount that has already been released to the claimants/landowners shall not be recovered till the matter is re-decided by the reference Court. However, the reference Court shall pass suitable or appropriate orders, if necessary, in this regard while pronouncing the final judgment. The parties through their respective counsel shall appear before the District Judge on 3.7.2017. In the facts and circumstances of the present case, I deem it appropriate and necessary to request the reference Court to decide the matter within a period of 4 months from the date the parties would cause appearance before the Court. The appeals are disposed of in the above terms. However, by way of abundant caution, it is clarified that this order shall not constitute an expression of opinion on the merits of the case of either party. And the reference Court shall decide the claims on the basis of the evidence on record and in accordance with law.

The Registry is directed to return the LCRs forthwith.”

In other RFAs i.e. **RFA No.1739 of 2017 'Gurjit Singh Vs. State of Haryana and another'** decided on 10.07.2017 and **RFA No.1122 of 2017 'Norang Singh Vs. State of Haryana and another'** decided on 26.07.2017 the matters have been remanded in cases of other land owners also.

Resultantly, the present appeals are also disposed in the same terms. The matters are remanded to the District Judge, Panchkula. The District Judge, Panchkula shall ensure that the references are entrusted to the same Court, is/who was dealing with the notification dated

30.11.2006, in order to avoid contradictory findings.

Parties through their respective counsels are directed to appear before the District Judge, Panchkula on 29.01.2018.

JANUARY 11, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>