

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

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**RFA No.4867 of 2017 (O&M)
Decided on : 19.09.2019**

Sardar Singh (now deceased) through his L.Rs.

... Appellants

Versus

State of Haryana and another

... Respondents

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

Present: Ms. Anita Balyan, Advocate
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana
for respondent No.1.

Mr. Pritam Singh Saini, Advocate
for respondent No.2-HSIIDC.

G.S. Sandhawalia, J. (Oral)

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award dated 13.12.2011 passed by the Reference Court, Jhajjar.

Counsel for the appellants submits that in similar circumstances appeals of the landowners have been allowed qua the abovesaid Award dated 13.12.2011, subject to payment of costs of ₹10,000/- per appeal, on account of negligence on the part of the landowners. It is submitted that the matter is covered by the order dated 21.02.2019 passed in **RFA No.4871 of 2017 'Rajbir (deceased) through L.Rs and others Vs. State of Haryana and others'**. The relevant portion of the said order reads as under:-

“Counsel for the appellants submits that the matters are

squarely covered by the judgment rendered on 20.11.2018, in a bunch of cases, the lead case of which is RFA-3504-2017 titled *Jai Narayan Vs. State of Haryana & another*. It is submitted that for the same Village Lagarpur and against the same award dated 13.12.2011 of the Reference Court, Jhajjar, the matter has been remanded as evidence was not led, subject to payment of costs of Rs.10,000/- per appeal, to be deposited with the District Legal Services Authority. A further condition had also been put that the landowners shall not be entitled for the benefit of interest on the enhanced compensation, if any, for the period of delay. In the present case, the said period of delay ranges from 1713 to 1946 days.

Accordingly, the present appeals are also disposed of and the matter is remanded to the Reference Court, on the following conditions, so that the landowners are not gravely prejudiced on account of having lost their agricultural land which has been held to be the lifeline of the agriculturists by the Apex Court in *K.Subbarayudu & others Vs. Special Deputy Collector (Land Acquisition) (2017) 8 SCALE 61*:

- (i) For the negligence of the landowners, they shall pay costs of Rs.10,000/- per appeal, which shall be deposited with the District Legal Services Authority and on deposit of the same, the Reference Court shall proceed to decide the matter afresh by giving them adequate opportunity to produce additional evidence in support of their claim. In case of non deposit of costs, the present appeal(s) shall be deemed to be dismissed,
- (ii) In case the amount is enhanced, they shall not be entitled for the benefit of interest on the enhanced compensation, for the period ranging from 1713 to 1946 days.”

It is further pointed out that in pursuance of the abovesaid order, the matter is fixed before the Reference Court, Jhajjar for 23.01.2020.

Accordingly, the present appeal is also disposed of in the same terms and the matter is remanded to the Reference Court, Jhajjar. It is made clear that the landowners will not be entitled for the benefit of interest for the delay period of 1717 days on the enhanced compensation, in case the amount is enhanced. The District Judge, Jhajjar shall ensure that the matter is taken up alongwith connected cases which were remanded earlier.

SEPTEMBER 19, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No

RFA No.4867 of 2017 (O&M)

NAVEEN NAGPAL
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I attest to the accuracy and
authenticity of this document
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