

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

**RFA No.5488 of 2017
Decided on : 06.03.2018**

Mangal Singh (since deceased) through his L.Rs.

... Appellants

Versus

State of Haryana and others

... Respondents

(2)

RFA No.5532 of 2017 (O&M)

Smt. Parveen and another

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Sanjay Mittal, Advocate for the appellants
in RFA No.5488 of 2017.

Mr. Aditya Yadav, Advocate for the appellants
in RFA No.5532 of 2017.

Ms. Safia Gupta, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-13756-CI-2017 in RFA-5532-2017

Application for condoning the delay of 778 days in filing the
present appeal has been filed.

Notice of the application.

Ms. Safia Gupta, AAG, Haryana accepts notice on behalf of the
respondent-State. Copy has been supplied.

In view of the order, which is proposed to be passed, there is no
requirement to file the reply, as the matter has to be re-adjudicated afresh.

Accordingly, in view of the above, the application for condoning the delay is allowed. The delay of 778 days in filing the appeal is condoned.

CM stands disposed of.

Main appeals

The present judgment shall dispose of **RFA Nos. 5488 and 5532 of 2017** as common questions of facts and law are involved in said the cases.

The appeals are filed under Section 54 of the Land Acquisition Act, 1884 both by the landowners are against the awards of Reference Court, Rewari dated 15.03.2017 and 26.03.2015. The amount of compensation has been enhanced from ₹16 lakhs per acre to ₹22 lakhs per acre by the Reference Courts which have followed the earlier awards dated 17.01.2015 passed in **LAC No.161 of 2011** titled '**Babu Lal & Others Vs. State of Haryana**' and '**Chandgi Ram and another Vs. State of Haryana and others**'.

Counsels have submitted in **RFA No. 3522 of 2015** titled '**Babu Lal and others Vs. State of Haryana & others**' decided on 25.10.2017, matters have remanded to the District Judge primarily on the ground that there were various sale deeds on record which were not referred to and only on the basis of earlier award, the enhancement had been done. Relevant part reads as under:-

“ *In a nutshell, here is a case where both the parties are aggrieved by the findings recorded by the Reference Court as*

regards the market value of the acquired land. Grievance of the HSIIDC, i.e. beneficiary of the acquisition, is that the conclusion arrived at by the Reference Court is per say perverse, for, nothing substantive is referred or demonstrated to assess the value of the acquired land at Rs.22,00,000/- per acre. Whereas, the grievance of the claimant/landowners is that the Reference Court has absolutely failed to weigh, analyze and appreciate the evidence led by them in support of their claims and, thus, the enhancement awarded by the Reference Court is not the true reflective of the value of the acquired land.

Faced with this situation, learned counsel for the parties have reached a consensus that let the impugned award (s) be set aside and the matter be remitted to the Reference Court for re-decision.

In the normal parlance, in the matter of this nature remand is the last resort and least desired. But in the matter at hands it appears to be the inevitable option. Resultantly, the impugned award(s) is set aside and the matter is remitted for re-decision. For, now the Reference Court shall redetermine the true value of the acquired land. I deem it expedient to observe that both the parties shall be granted two effective opportunities each, on the dates that shall be specified by the Reference Court in this regard, to lead any further evidence, if so desire. But in the event of default, no further opportunity shall be granted at any cost. I am reminded to point out that this Court while admitting few of the appeals preferred by the beneficiary of the acquisition, i.e. HSIIDC, had stayed payment beyond 50% of the enhanced compensation. But during course of hearing I was informed that in few other matters, in the absence of any stay orders, the claimant/landowners have since been released the enhanced compensation in the execution proceedings. That being so, it is made clear that the amount that has already

been released to the claimants shall not be recovered till the matter is re-decided. However, the Reference Court shall pass necessary and appropriate orders in this regard as the situation would warrant while rendering a final judgment. The parties through their respective counsel shall appear before the District Judge, Rewari, on 13.11.2017. Needless to assert that it shall be the discretion of the District Judge to either decide the matter himself or assign to any other Court of competent jurisdiction. However, in the facts and circumstances of the case, the Reference Court is requested to decide the matter within a period of three months the parties shall cause appearance. It is clarified that this order shall not constitute any expression of opinion on the merits of the case of either party. And, the Reference Court shall decide the same on merits and strictly in accordance with law.

In conspectus of the above, all these appeals are accordingly disposed of in the above terms. The Registry is directed to return the LCR to the Reference Court forthwith”

Accordingly, keeping in view the above the present appeals filed by both the land-owners are allowed. The awards of the Reference Court, Rewari dated 15.03.2017 and 26.03.2015 are set aside and the matter is remanded in the same terms. It is expected that the District Judge shall allocate the cases to the same reference Court who is already seized of the earlier reference petitions, which have been remanded.

MARCH 06, 2018

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No