

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-4077-2019 (O&M)

Date of decision: 19.12.2019

Mohan Lal (deceased) th LRs & others

....Appellants

Versus

State of Haryana & others

....Respondents

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

Present: Mr.Bikram Chaudhary, Advocate, for the appellants.

Ms.Vibha Tewari, AAG, Haryana.

Mr.Pritam Saini, Advocate, for HSIIDC.

G.S. SANDHAWALIA, J. (Oral)

CM-11190-CI-2019

Application for placing on record Will dated 07.07.2009 as Annexure A-1, is allowed, in view of the averments made in the application, duly supported by affidavit. Same is taken on record, subject to just exceptions. Office to place on record the same at appropriate place.

CM stands disposed of.

CM-10371-CI-2017

Application has been filed for bringing on record legal representatives of appellant No.1- Mohan Lal, who is stated to have expired on 24.04.2012 leaving behind his legal representatives, as mentioned in para No.2 of the application. The same is on the strength of a registered Will dated 07.07.2009.

Accordingly, without commenting upon the veracity or legality of the Will and in view of the averments made in the application, duly supported by affidavit of son of deceased-appellant No.1, Mahinder Singh, same is allowed. Legal representatives, as mentioned in para No.2 of the

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application are allowed to be brought on record, only for the purpose of pursuing the present litigation.

CM stands disposed of.

CM-10370-CI-2019

Application for condonation of delay of 970 days in re-filing the present appeal is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 970 days in re-filing the appeal is condoned.

CM stands disposed of.

CM-10369-CI-2019

Application has been filed for condonation of delay of 1557 days in filing the present appeal.

Accordingly, keeping in view the law laid down in the judgments of the Apex Court passed in **Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133** and **Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127** and in view of the averments made in the application, duly supported by affidavit, delay of 1557 days in filing the present appeal is condoned. Condition is put that the appellants shall not be entitled for the benefit of interest for the said period on the enhanced compensation.

CM stand disposed of.

CM-10373-CI-2019

Application has been filed for disposal of the main appeal on the ground that the matter is covered by the judgment passed by this

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Court in RFA-2246-2019 (wrongly mentioned as correct case number is **RFA-7108-2012** titled *Rampal & others-II Vs. Land Acquisition Collector & another* decided on 31.05.2019).

Accordingly, in view of the averments made in the application duly supported by affidavit, same is allowed.

CM stands disposed of.

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Present appeal, filed under Section 54 of the Land Acquisition Act, 1894 (for short, the 'Act') is directed against the order of the Reference Court, Faridabad dated 27.02.2013 whereby for the land falling in Village Neemka Tehsil & District Faridabad, the market value has been fixed @ Rs.1118/- per sq.yard, for the land acquired vide notification dated 14.08.2008.

In **Rampal-II** (supra), the award dated 27.02.2013 was also subject matter of consideration and the market value has, accordingly, been fixed for the above-said notification along with other notifications, as under:

“Relief

199. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-

(i) For the first notification dated 01.05.2006, for the land of village Sihi, which was falling within the limits of Municipal Corporation, Faridabad, the market value would be Rs.1351/- per square yard (Rs.65,38,840/- per acre). The market value is fixed @ Rs.1229/- per square yard (Rs.59,48,360/- per acre) for villages Badoli/Baroli, Sihi, Murtazapur, Pehladpur and Bhatola, not falling in the municipal limits.

(ii) For the second notification dated 07.02.2008, the market

value for the villages Bhatola, Murtazapur and Badoli/Baroli, is fixed @ Rs.1551/- per square yard (Rs.75, 06, 840/- per acre) and for other three villages i.e. Fajjupur Majra Neemka, Neemka, Faridpur, the market value is fixed @ Rs.1410/- per square yard (Rs.68,24,400/- per acre).

(iii) For the third notification dated 14.08.2008, the market value is fixed @ Rs.3300/- per square yard (Rs.1,59,72,000/- per acre) for the land falling within the limits of Municipal Corporation, Faridabad of villages Budhena, Baselwa and Mawai. For the other land of the said villages, the market value is fixed @ Rs.2970/- per square yard (Rs.1,43,74,800/- per acre).

(iv) For the land falling in villages Badoli/Baroli, Pehladpur and Wazirpur, for the notification dated 14.08.2008, the market value is fixed @ Rs.2129/- per square yard (Rs.1,03,04,360/- per acre). For the lands of villages Palwali, Badshahpur, Bhatola and Murtazapur the market value is fixed @ Rs.1936/-per square yard (Rs.93,70,240/- per acre). And for the land falling in the last belt of the notification dated 14.08.2008 in villages **Neemka**, Fajjupur Majra Neemka, Kheri Khurd, Faridpur, Kheri Kalan, Bhupani, Riawajpur and Tikawali, the market value is fixed @ Rs.1760/- per square yard (Rs.85,18,400/- per acre).

200. Resultantly, the appeals alongwith cross-objections filed by both the landowners and the State are disposed of. In appeals where delay has been condoned conditionally, the benefit of interest on the enhanced compensation for the period of delay in filing the appeals shall not be granted to the landowners, as specified in the orders condoning the delay. All the pending civil miscellaneous applications also stand disposed of.

201. The State shall also comply with the directions laid down by the Apex Court in '**HSIIDC Vs. Pran Sukh**' (2010) 11 SCC 175, to ensure that the landowners are not fleeced by the middleman, which read as under:

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(a) The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tahsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.

(b) The concerned officers shall also instruct the land owners and/or their legal representatives to open savings bank account in case they already do not have such account.

(c) The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months.

(d) The Land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners.”

Keeping in view the above, there is merit in the claim for enhancement and the present appeal is, accordingly, allowed in the same terms, but by denying interest for 1557 days on the enhanced compensation.

19.12.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*