

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

RFA No.2689 of 1992

Om Parkash (Deceased) through his L.Rs. and others

... Appellants

Versus

State of Haryana and others

... Respondents

(2)

RFA No.2313 of 1993

State of Haryana and another

... Appellants

Versus

Shanti Devi (Deceased) through her L.Rs. and others

... Respondents

Decided on : 28.03.2019

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

Present : Mr. Adarsh Jain, Advocate
for the landowners.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of two appeals i.e. RFA Nos.2689 of 1992 and 2313 of 1993 filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') against the Award of the Reference Court, Hisar dated 05.03.1992, whereby the market value of the acquired land has been assessed @ ₹100/- per square yard.

The land was acquired vide notification dated 23.05.1983 issued under Section 4 of the Act for the purpose of development of

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residential area at Hisar. Reliance had been placed upon the judgment dated 29.03.1991 (Ex.P3), whereby at an earlier point of time an Award had been passed by the same officer in **LA Case No.72 of 1989 'Jasbir Singh Vs. Haryana Government, through Collector, Hisar and another'** for the same notification dated 23.05.1983. While passing the Award in **LA Case No.4 of 1988 'Om Parkash and others Vs. State of Haryana and another'** on the strength of ownership, the issue of apportionment was also decided and tenants were held to the 1/4th share and the owners were given 3/4th share in the compensation.

The market value of the notification in question was fixed @ ₹120/- per square yard in **RFA No.164 of 1991 'Roop Basant Vs. State of Haryana and another'** decided on 24.02.1994, which was upheld in LPA on 22.09.1995 and further upheld by the Apex Court in **SLP (C) No.14065-81 of 1996** on 31.07.1996. These facts had been noticed by the Coordinate Bench while deciding a bunch of cases in **RFA No.1785 of 1997 'State of Haryana and another Vs. Sudhir Kumar and another'** decided on 04.04.2011 and the market value was, accordingly, enhanced to ₹120/- per square yard.

Thereafter, the appeal of the legal representatives of Parbhu, namely, Shanti Devi etc. bearing **RFA No.3856 of 1992** was decided alongwith **RFA No.2998 of 1992 'Smt. Shanti Devi (Deceased) through L.Rs. Vs. State of Haryana and others'** on 21.11.2012. The market value was enhanced to ₹120/- per square yard and the issue of apportionment of compensation was decided in favour of the tenants and

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they were granted 75% and 25% was given to the landowners. In the said appeals Om Parkash etc. were also party respondents.

Counsel, accordingly, submits that the said judgment has become final *inter se* the parties. Thereafter, in **RFA No.2915 of 1994 'State of Haryana through the Deputy Commissioner, Hissar and another Vs. Ram Gopal'** and other connected appeals were dismissed on 06.08.2012 following the said decisions.

Resultantly, the matter having been settled the appeal of the State bearing RFA No.2313 of 1993 is dismissed, whereas the appeal of the landowners bearing RFA No.2689 of 1992 is disposed of in the same terms as in RFA No.3856 of 1992 by holding that the market value would be ₹120/- per square yard and the share of the appellants would be 75% of the compensation instead of 25%.

MARCH 28, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No