

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

RFA-1526-2019 (O&M)

Resham @ Reshma (deceased) through her LR's and others ..Appellants

Versus

State of Haryana and another ... Respondents

RFA-1527-2019 (O&M)

Resham @ Reshma (deceased) through her LR's and others ..Appellants

Versus

State of Haryana and another ... Respondents

RFA-2054-2019 (O&M)

Gurmail Singh (deceased) through his LR's and othersAppellants

Versus

State of Haryana and another ... Respondents

Date of Decision:-12.09.2019

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

Present:- Mr. Shoaib Khan, Advocate,
for the appellant(s).

Ms. Vibha Tewari, AAG, Haryana.

G. S. SANDHAWALIA, J.*(Oral)*

Delay Applications

Applications for condoning the delay of 1883 days in filing the appeals have been filed against the award dated 09.10.2013 passed by the the Reference Court, Panchkula.

Accordingly, the applications are allowed in view of the averments made in the applications, duly supported by affidavit and in view of the fact that the interest of the State can be protected conditionally, in view of 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**.

The delay of 1883 days in filing the appeals, is hereby condoned with the condition that the appellans shall not be entitled for the interest element on the enhanced compensation for the above said delay period.

CMs stand disposed of.

Main Cases

The present appeals arise out of the Award dated 09.10.2013 of Reference Court, Panchkula, whereby the Reference Court has assessed the market value of the acquired land @ Rs.340/- per square yds. on the date of notification dated 27.03.2001, whereby the land faling in village Nada, Tehsil and District Panchkula was acquired for public purposes namely for the development and utilization of land as residential and commercial for Sector 31, Panchkula. The Reference Court has relied upon the Award dated

21.12.2009 (Ex.PA) to assess the market value at the same rate which had been granted earlier. The said award was subject matter in a bunch of cases, lead case of which was **RFA No.1935 of 2009 'Kali Charan Vs. State of Haryana and another', 2019 (3) RCR (Civil) 677**, while dealing with the same notification by this Court. The appeals of the land owners have been allowed and the market value has been assessed at Rs.1290 per sq. yds. (Rs. 62,43,600/- per acre) along with all statutory benefits. The relevant portion of the said judgment reads as under:

"69. Relief:

- (i) Resultantly, the appeals of the State pertaining to the first notification of village Chowki dated 26.06.1998 are dismissed and those of landowners are allowed and the market value is worked out @ Rs.943.20 per square yard (Rs.45,65,088/- per acre) alongwith all statutory benefits.
- (ii) For the notification dated 27.03.2001 for the land acquired in village Nada the appeals filed by the State are dismissed and those of landowners are allowed. The amount is assessed @ Rs.1,290/- per square yard (Rs.62,43,600/- per acre) alongwith all statutory benefits.
- (iii) For the notification dated 08.12.2003 and 21.01.2004 the appeals filed by the landowners are allowed and those of State are dismissed. The market value is assessed @ Rs.1403.27 per square yard (Rs.67,91,826.80 per acre) alongwith all statutory benefits.
- (iv) 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:
 - (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.
- (v) The entitlement of the landowners would be to the amounts awarded above along with statutory benefits. The State would also be entitled to make adjustment of the amounts which have already been paid during the litigation."

Accordingly, the present appeals are also allowed in the abovesaid terms. However, the interest on the enhanced compenstaion shall not be granted to the land owners for the delay period of 1883 days.

12.09.2019
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(G. S. SANDHAWALIA)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No