

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

- (1) CR No.1807 of 2019 (O&M)
Date of Decision: 15.03.2019.
- Dharam Singh and others. ...Petitioners
Versus
State of Haryana through Collector and another.Respondents
- (2) CR No.1808 of 2019 (O&M)
Date of Decision: 15.03.2019.
- Harnek Singh and others. ...Petitioners
Versus
State of Haryana through Collector and another.Respondents
- (3) CR No.1815 of 2019 (O&M)
Date of Decision: 15.03.2019.
- Jaspal Kaur. ...Petitioner
Versus
State of Haryana through Collector and another.Respondents
- (4) CR No.1816 of 2019 (O&M)
Date of Decision: 15.03.2019.
- Uttam Singh. ...Petitioner
Versus
State of Haryana through Collector and another.Respondents
- (5) CR No.1823 of 2019 (O&M)
Date of Decision: 15.03.2019.
- Hardit Singh @ Babu Singh and others. ...Petitioners
Versus
State of Haryana through Collector and others.Respondents
- (6) CR No.1824 of 2019 (O&M)
Date of Decision: 15.03.2019.

Gurdev Kaur and others.

...Petitioners

Versus

State of Haryana through Collector and another.

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Navmohit Singh, Advocate for the petitioner.

B.S.WALIA, J (Oral).

1. This order shall decide CR No.1807 of 2019, CR No.1808 of 2019, CR No.1815 of 2019, CR No.1816 of 2019, CR No.1823 of 2019 and CR No.1824 of 2019, as common question of law and facts are involved in the same.

2. Learned counsel for the petitioners states that the matter in controversy is squarely covered by the decision of this Court dated 19.12.2018, in CR No.10290 of 2018, arising out of the same acquisition, notification and award etc.

2. Notice of motion. Mr. R.K. Singla, Asstt. Advocate General, Haryana, accepts notice on behalf of the respondents.

3. Brief facts of the case leading to the filing of the revision petition are that land was acquired by the State of Haryana in village Ratauli, Tehsil Jagadhri, District Yamuna Nagar, vide notification dated 03.10.2006 under Section 4 of the Land Acquisition Act, 1894. The same led to passing of award by the learned Land Acquisition Collector, Yamuna Nagar, awarding a sum of ₹30 Lakh per acre. The amount as awarded by the learned Land Acquisition Collector, Yamuna Nagar was enhanced by the learned Reference Court vide order dated 30.07.2015 to ₹1560/- per square meter. Thereafter, the petitioners approached this Court by way of

RFA Nos.17258 and 17389 of 2015 and RFA Nos.1335, 1343 and 1347 and 3501 of 2016. The same were allowed and the impugned award of the learned Reference Court was enhanced from ₹1560/- per square meter to ₹4059/- per square meter vide order dated 02.03.2017. Both the State as well as the petitioners invoked the jurisdiction of Hon'ble the Supreme Court and vide order dated 11.09.2018, Hon'ble the Supreme Court disposed of CA No.9226-9331 of 2018 by taking note of the prayer of the respondents-claimants therein for enhancement by directing the High Court to examine the question of enhancement afresh and further observed that no comment was being made on the merits of the case at all and that just compensation be worked out by the High Court. Consequently, the appeals were remitted to the High Court for hearing the matter afresh. Hon'ble the Supreme Court by further taking into account that the State had not questioned the disbursement made by the Reference Court at the rate of ₹1560/- along with other statutory benefits out of the said amount that had been deposited, ordered that the land owners to whom the amount had not been paid shall be paid the amount, as ordered by the Reference Court while the remaining amount be kept in fixed deposit to be disbursed after the decision of the case by the High Court.

4. Challenge in the revision petition is to order dated 30.01.2019 (Annexure P/1), whereby the learned Executing Court directed furnishing of indemnity bonds and surety bonds on the application for release of payment of amount deposited by the State/JD.

5. Learned counsel for the petitioners states that the matter is squarely covered by the decision of Hon'ble Supreme Court in CA

No.9226-9331 of 2018, decided on 11.09.2018, as the claim of the petitioners is confined to compensation awarded by the learned Reference Court @ ₹1560/- per square meter, and issue with regard to enhancement as per decision of Hon'ble the Supreme Court on remand is pending adjudication.

6. Learned State counsel does not dispute the claim of the petitioners for release of payment in terms of order of the learned Reference Court dated 30.07.2015 @ ₹1560/- per square meter.

7. In view of the position as noted above, the revision petition is allowed and the condition with regard to furnishing of indemnity bonds and surety bonds imposed by the learned Addl. District Judge, Jagadhari is hereby expunged.

8. Revision petition allowed in aforementioned terms.

(B.S.WALIA)
JUDGE

15.03.2019.

rajesh.k.khurana

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No