

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-2178-2019 (O&M)

Date of decision: 20.09.2019

State of Haryana & another

....Appellants

Versus

Rajbir & others

....Respondents

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

Present: Ms.Vibha Tewari, AAG, Haryana, for the appellants.

None for the respondents.

G.S. SANDHAWALIA, J. (Oral)

CM-5461-CI-2019

Application has been filed for condonation of delay of 223 days in filing the appeal.

Despite notice having been issued on 24.05.2019, there is no appearance on behalf of the respondents to oppose the present application.

Accordingly, in view of the averments made in the application, duly supported by affidavit of the official, same is allowed. Delay of 223 days in filing the appeal is hereby condoned.

CM stands disposed of.

RFA-2178-2019 (O&M)

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 28.10.2017 whereby for the land falling in Village Kheri Kalan Tehsil & District Faridabad, the market value has been fixed @ Rs.1870/- per sq.yard. Reference Court has relied upon the judgment passed by this Court on 16.09.2015 in **RFA-7108-2012** titled *Rampal &*

others Vs. Land Acquisition Collector & another.

It is not disputed that the said judgment was set aside by the Apex Court in **Civil Appeal No(s)-21014-21016 of 2017 'Premwati & others Vs. State of Haryana and another'**, on 06.12.2017 and the matter had been remanded to this Court for fresh decision. Thereafter, the matter was re-decided on 31.05.2019 in **RFA-7108-2012** titled *Rampal & others (II) Vs. Land Acquisition Collector & another*, and the market value for Village Kheri Kalan has been fixed @ Rs.1700/- per sq.yard (Rs.85,18,400/- per acre). Relevant portion of the judgment reads 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 square yard) 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, Riwajpur 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 '**HSI IDC 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.”

Resultantly, the present appeal is also allowed in the same terms and the market rate is refixed at the said rate.

20.09.2019

Sailesh

Whether speaking/reasoned:

Whether Reportable:

(G.S. SANDHAWALIA)

JUDGE

Yes/No

Yes/No