

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-13011 to 13013-CI-2018 in/and
RFA-1204-2005**

Date of decision: 05.09.2019

Rajinder Singh & others

....Appellants

Versus

State of Haryana & others

...Respondents

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

Present: Mr.R.A. Yadav, Advocate, for the applicant/appellants.
Mr.Shivendra Swaroop, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

CM-13012-CI-2019

Application has been filed for bringing on record the legal representatives of deceased-appellant No.3-Bakhtawar, who is stated to have expired on 20.02.2009, deceased-appellant No.4-Ram Kishan, who is stated to have expired on 26.01.2008 and deceased-appellant No.5-Sanwalia, who is stated to have expired on 04.03.1999, leaving behind their legal representatives, as mentioned in paras No.2 to 4, respectively, of the application. It is further stated that they are the only legal representatives.

Accordingly, in view of the averments made in the application, duly supported by affidavit of appellant No.2-Mahender Singh, same is allowed. Legal representatives, as mentioned in paras No.2 to 4 of the application, are allowed to be brought on record, only for the purpose of pursuing the present litigation.

CM stands disposed of.

CM-13011 & 13013-CI-2018

Applications have been filed on behalf of appellants No.2, LR's of appellants No.3 to 5 only, for recall of the order dated 10.02.2009 and for

condonation of delay of 3495 days in filing the application.

It is not disputed that the market value for the notification dated 12.05.1995, for the land falling in the revenue estate of Bahadurgarh, District Jhajjar had been acquired for development of residential and commercial Sectors 9 & 9A. This Court, at the initial stage, in **RFA-1-2006** titled *State of Haryana & another Vs. Jagbir Singh & others*, decided on 10.02.2009 (Annexure A-1) had enhanced the market value. The matter had been remanded by the Apex Court in **CA-6837-6851-2009** titled *Roop Chand & another Vs. State of Haryana & others*, on 18.09.2013. Resultantly, the matter was re-decided on 31.08.2015 and the lead case was **RFA-8-2005** titled *Devinder Singh & others Vs. State of Haryana & others* (Annexure A-2) and belting system, as such, was applied to grant compensation @ Rs.8,00,000/- per acre, for the land located on the National Highway No.10, Delhi-Hissar Road upto the depth of 3 acres, Rs.5,50,000/- per acre for the land located on Nazafergarh-Bahadurgarh road upto the depth of 3 acres and for the rest of the land, @ Rs.4,00,000/- per acre. Thereafter, the matter was taken to the Apex Court in **CA-19354-2017** titled *Rajender Singh & others Vs. State of Haryana & others*, wherein uniform compensation of Rs.12,00,000/- per acre was granted. Relevant portion of the judgment reads as under:

“In the facts and circumstances, it is apparent that potentiality of the entire land was the same. On one side there was National Highway, on other side there was State Highway and, the land was falling in between. The entire land was capable of being used for residential/commercial purposes. The

sale deed P-12 was for approx. 1 acre of the land by which the land was sold at the rate of Rs.19,36,000/- per acre. The acquisition in the question had been made two years thereafter; thus, giving approx. 10% to 11% increase per annum, the amount would come to approx. 24,00,000/- per acre. Making deduction of 50% for development, the amount comes to Rs.12,00,000/- per acre, which we grant uniformly for the entire land. Belting system, applied by the High Court, is hereby set aside.

The amount so determined shall carry statutory benefit as envisaged under the Act. The appeal is accordingly allowed to the aforesaid extent.”

It is, in such circumstances, revival of the appeal, by recalling of the order dated 10.02.2009 has been sought for, which is barred by 3495 days in filing.

Keeping in view the fact that uniform compensation has been granted and the landowners had not joined the earlier set of appeals whereby the Apex Court had remanded the matter, this Court is of the opinion that the application is liable to be allowed. A condition can be imposed upon the landowners, for the period of delay, as the interest of the State can be protected, 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**. Accordingly, in view of the averments made in the applications, duly supported by affidavit, the present applications are allowed. Delay of 3495 days in filing the application for recalling, is hereby condoned and order dated 10.02.2009 is recalled and the main

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appeal is restored to its original number and is taken up for disposal today itself. Condition is put that the appellants shall not be entitled for the benefit of interest for the said period on the enhanced compensation.

CM stands disposed of.

RFA-1204-2005

Keeping in view the above fact and the fact that the Apex Court has granted uniform compensation @ Rs.12,00,000/- per acre, the present appeal is also allowed in the same terms. The appellants shall not be granted the benefit of interest of 3495 days on the enhanced compensation.

05.09.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*