

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

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**CM No. 3493-CI of 2018 in/and
RFA No. 2738 of 2005 (O & M)
and other connected matters
Date of Decision: 3.5.2019**

Shanti and others

.....Appellants

v.

State of Haryana and others

.....Respondents

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

Present:- Mr. Harkesh Manuja, Advocate
Mr. Vikrant Hooda, Advocate
for the applicant/appellants

Mr. Shivendra Swaroop, AAG, Haryana

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

This order shall dispose of 14 appeals bearing RFAs No. 2738, 2412 of 2005, RFA No. 358 of 2007, RFAs No. 2033, 1717, 1982, 1986, 1987, 1988 of 2005, RFA No. 4399 of 2006, RFAs No. 3196, 2737, 1656, 1655 of 2005. The facts have been taken from RFA No. 2738 of 2005.

Applications have been filed for disposal of the present appeals, in which replies have been filed, in view of the decision of the Apex Court in Civil Appeal No. 19354 of 2017 titled as **Rajender Singh and others v. State of Haryana and others**, decided on 17.11.2017, wherein the notification in question is dated 12.5.1995.

In the present set of appeals, the notification in question is dated 26.5.1995 and the acquisition was for the purpose of development and

utilization of land for residential and commercial area in Sector 2, Bahadurgarh. The application has been opposed by filing reply by the Land Acquisition Collector (in short 'the LAC') on the ground that initially, the appeals were decided on 31.8.2015 along with RFA No. 8 of 2005 titled as '**Devinder Singh and others v. State of Haryana and others**'. A review application had been filed by the land owners themselves clarifying that the notification is different and the appeals have wrongly been clubbed and erroneously listed and decided.

Resultantly, an order of review was passed on 26.5.2017 by allowing the application in RA No.132-CI of 2017 and the appeal was restored to its original number and thus, remained pending for hearing.

It is, accordingly, submitted that now the benefit of the decision in **Devinder Singhs' case** (supra), which has been further modified by the Apex Court in **Rajender Singhs' case** (supra) is not liable to be granted. It is submitted that the other set of cases pertain to Sector 9 in Bahadurgarh and, therefore, the land was located at a different place and the same market value not be assessed.

Counsel for the applicant/land owners has however submitted that they could not be faulted for bringing the correct facts to the notice of this Court, whereas, some land owners did not file the review applications and had taken the matter to the Apex Court being dis-satisfied by the amount awarded in **Devinder Singhs' case** (supra). The compensation amount @ Rs. 8 lakhs per acre has been awarded for Delhi-Hisar Road upto the depth of 3 acres and balance Rs.5.50 lakhs per acre for the land located on Nazafgarh-Bahadurgarh road upto a depth of 3 acres.

It is accordingly submitted that once similarly situated land owners have got uniform compensation @ Rs.12 lakhs per acre and their appeals were decided and the Apex Court has decided the matter qua both the notifications on 17.11.2017 in **Rajender Singhs' case** (supra), they are liable to be granted the same amount of compensation.

It has further been brought to the notice of this Court that the said decision thereafter was followed in SLP (Civil Appeal) No. 20804 of 2017 titled as **Attar Singh etc. etc. v. The State of Haryana and others,** decided on 23.4.2018, which was pertaining to the cases of the present notification i.e. 26.5.2019, which was also allowed in the same terms on 23.4.2018 as per **Rajender Singh's case** (supra).

Mr. Shivendra Swaroop, AAG, Haryana, could not deny the factual aspect that no review applications were filed against the order dated 17.11.2017 and a majority of the land owners pertaining to the present notification which pertains to acquisition of land for Sector 2, have been granted the benefit of the Apex Court order and have even been paid the compensation @ Rs.12 lakhs.

A perusal of **Rajender Singh's case** (supra) would also go on to show that apart from the notification dated 12.5.1995 Supreme Court has also dealt with other notification dated 17.4.2002 pertaining to Bahadurgarh. Resultantly, once the market value for the notification dated 26.5.1995 in the majority of the cases of land owners has also been assessed @ Rs.12 lakhs uniformly, the Court is of the opinion that the applications are liable to be allowed on the ground that similarly situated land owners are entitled for the same amount of compensation.

Ordered accordingly.

Main Cases :

Accordingly, main cases are taken up on board today itself and are disposed of in the same terms by granting Rs.12 lakhs per acre uniformly along with all statutory benefits.

(G.S. SANDHAWALIA)
JUDGE

3.5.2019
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No