

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.5084 of 2009
Date of Decision: 28.02.2019

Bir Singh
... Appellant

VS.

State of Haryana & Ors.
... Respondents

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

Present: Mr. Rajesh Goyal, Advocate for
Mr. Deepak Saini, Advocate;
Mr. SS Dinarpara, Advocate;
Mr. Ivneet Singh Pabla, Advocate;
Mr. Raghubir Tejpal, Advocate;
Mr. Pardeep Sehrawat, Advocate for
Mr. Vivek Goyal, Advocate for the LANDOWNERS

Mr. Sudeep Mahajan, Addl. AG Haryana
Ms. Vibha Tewari, AAG Haryana

<u>Landowners</u>	RFA Nos.5084, 5085, 1562, 1563, 1971 to 1980, 2060 to 2062, 2236 to 2240, 2635, 2636, 2784, 2925, 2933, 3700, 3732, 3733, 5590, 5591 of 2009; RFA No.3910 of 2010 RFA Nos.9768 to 9789 of 2014; RFA Nos.11, 12, 220, 271 to 274, 1332, 1333, 1334, 1342, 1343, 2134, 2144, 6493, 3282 to 3287, 4413, 6471, 4290 to 4294, 5673 to 5676, 6903, 6911 to 6913 of 2015; RFA Nos.3820, 21, 22, 121, 1209 to 1213, 4941, 4942, 3866 to 3869, 4468 to 4471 of 2016; RFA Nos.1427 to 1429, 1510 of 2017
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G.S. SANDHAWALIA, J. (Oral)

(1) The above-captioned appeals under Section 54 of the Land Acquisition Act, 1894 are directed against various awards passed by the

Reference Court, Kurukshetra on 24.12.2008, 28.02.2009, 16.07.2009, 14.08.2014, 20.11.2014, 21.01.2015, 28.04.2015, 29.05.2015, 20.08.2015, 06.01.2016, 18.02.2016, 22.03.2016, 23.05.2016.

(2) Application (CM-1973-CI-2019 IN RFA-5084-2009) has been filed for placing on record the Gazette Notification (R1) whereby the land has been de-notified in view of Section 101-A Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 inserted vide notification dated 03.08.2018 by the State of Haryana. The notification has been done in the light of the new Act of 2013.

(3) Notice of application (CM-1973-CI-2019 IN RFA-5084-2009) to counsel for the landowner. Mr. Rajesh Goyal, Advocate appearing on behalf of Mr. Deepak Saini, Advocate accepts notice. The Gazette Notification is accordingly taken on record and CM stands disposed of.

(4) As per the notification dated 03.08.2018 (R1), the land of various villages including the 8 villages in question of District Kurukshetra which was acquired for the purpose of Shahabad feeder vide notification u/s 4 of the Act dated 13.10.2004 has been denotified. The details of the said villages as mentioned in the application read as under:-

Serial No.	Name of village and Hadbast Number	District	Notification u/s 4	Announcement of Award (No.&date)	Area of land acquired (in acre)
1	Dadlu	Kurukshetra	13.10.2004	Award No.15 dated 17.08.2005	3.04
2	Padlu	Kurukshetra	13.10.2004	Award No.32 dated 08.03.2007	11.42
3	Damli	Kurukshetra	13.10.2004	Award No.33 dated 09.03.2007	9.08

4	Rawa	Kurukshetra	13.10.2004	Award No.16 dated 17.08.2005	17.73
5	Jandheri	Kurukshetra	13.10.2004	Award No.34 dated 09.03.2007	19.78
6	Teora	Kurukshetra	13.10.2004	Award no.31 dated 08.03.2007	11.51
7	Chhapra	Kurukshetra	13.10.2004	Award No.1 dated 12.04.2006	14.44
8	Chhapri	Kurukshetra	13.10.2004	Award No.21 dated 19.02.2007	8.69

(5) The Land Acquisition Collector vide various awards had awarded a sum of ₹ 5 lakhs per acre. The Reference Court at Kurukshetra in certain cases upheld the awards and did not grant any enhancement whereas in other cases enhancement was to the tune of ₹ 8 lakhs, ₹ 8.60 lakhs and in some cases benefit of severance to the extent of 50% has also been granted. The landowners thus are aggrieved against awarding of inadequate compensation.

(6) As per the de-notification, option has been given to the persons to submit their claims in writing before the Land Acquisition Collector to complete the process of reversion to decide the claim as per the law. The benefit of payment of compensation on account of damages sustained by them as a result of the aforesaid acquisition of land at such rates as fixed by the Government has also been kept open. The relevant part reads as under:-

“Now, therefore in exercise of the powers conferred by Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the Governor of Haryana, finding the acquired land unviable and the Scheme unfruitful, hereby denotify the land of villages as specified below in Table T-2. Any person interested or land owner to whom the land is to be returned, may within a period of thirty days of publication of this notification in the Original Gazette,

submit his/her claim in writing before the Land Acquisition Officer, Ambala, so as to complete the process of reversion of the land and decide the claims as per law. Total amount already paid by the Government to the land owners shall have to be returned along with such interest, if any, as decided by the Government before delivery of the possession. The land owners shall, however, be entitled for payment of compensation on account of damages sustained by them as a result of aforesaid land acquisition, at such rates as fixed by Government.”

(7) In such circumstances, it is apparent that the issue of fixing of market value of the land which was acquired has become redundant, rendering the present appeals as infructuous.

(8) At this stage, Mr. Dinarpur submits that some landowners have challenged the de-notification process. If that is so, it will always be open to the landowners to revive these appeals, in case so advised, on account of any decision in the said litigation.

(9) Accordingly the present appeals filed by the landowners are disposed of having become infructuous.

(10) All the pending applications, if any, also stand disposed of accordingly.

28.02.2019

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(G.S. Sandhawalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No