

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

340 RFA No.4589 of 2011 and other
connected cases
Decided on : 06.09.2019

Balbir ... Appellant
Versus
State of Haryana and others ... Respondents

Appeals filed by landowners		Appeals filed by HSIIDC/State	Cross-objections filed by the landowners
340	RFA No.4589, 4593, 4594, 7259 of 2011 RFA No.270, 1933, 2677, 2678 of 2012 RFA No.4425, 5419, 6424, 6848, 7282, 7344 of 2013 RFA No.1259, 2301, 3670, 4398, 5467 of 2014 RFA No.2325, 7413 of 2015	RFA No.3770 of 2011 RFA No.2326, 2327, 2329, 2330, 6267, 6823, 6826, 6827, 7138, 7500 of 2013 RFA No.6199, 6200, 6412 of 2014	XOBJR-51-CI-2014 in RFA-6267-2013 XOBJR-70-CI-2013 in RFA-7138-2013 XOBJR-83-CI-2013 in RFA-6826-2013

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

Present: Mr. P.R. Yadav, Advocate,
Mr. Sachin Mittal, Advocate,
Ms. Anupama Arigala, Advocate,
Mr. Rajesh Arora, Advocate for the landowners.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
for the respondent-HSIIDC

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of 35 appeals and 3 cross-objections as mentioned in the abovesaid table, filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') both by the landowners and

RFA No.4589 of 2011 and other connected cases

the Haryana State Industrial & Infrastructure Development Corporation (HSIIDC) which arise out of the acquisition proceedings issued vide notification dated 26.02.2002/26.06.2002 under Section 4 of the for setting up of Industrial Model Township, Manesar. The notification under Section 6 of the Act was issued on 18.11.2002 and the villages in question are Kasan, Bas Kusla, Bas Huria and Dhana falling in District Gurgaon.

The Reference Court vide 13 Awards in question i.e. 09.8.2010, 30.11.2010, 24.02.2011, 07.03.2011, 17.09.2011, 15.03.2012, 25.03.2013, 15.04.2013, 30.04.2013, 07.05.2013, 16.07.2013, 09.09.2013 and 23.11.2013 has fixed the market value @ ₹37,47,232/- per acre irrespective of the nature of the land. Firstly the matter was decided on 11.02.2011 by this Court in **RFA No.2373 of 2010 'Madan Pal Vs. State of Haryana and another'** and the amount of compensation was assessed @ ₹37,40,000/- per acre. The matter had been remanded by the Apex Court in **'HSIIDC Limited Vs. Udal and others' 2013 (14) SCC 506** decided on 02.07.2013. Thereafter, the appeals had been again decided on 06.10.2015 and the Coordinate Bench had remanded the matter to the Reference Court with the liberty to Maruti Suzuki India Limited (MSIL) to lead evidence alongwith other parties, to enable the Reference Court to assess fair market value of the acquired land.

The matter was, thereafter, again taken to the Apex Court by various landowners and in **'Satish Kumar Gupta and others Vs. State of Haryana and others' AIR 2017 SC 1072** decided on 21.02.2017, the

order dated 06.10.2015 passed by this Court was set aside by holding that post acquisition allottee, namely, MSIL cannot be treated as a necessary or proper party under Order 1 Rule 10 of CPC for proceedings for determination of compensation. Resultantly, the matter has come back to this Court for fresh decision.

This Court in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'** decided on 09.03.2018 had fixed the market value @ ₹41,40,000/- per acre alongwith all statutory benefits for the notification in question, while dismissing the appeals filed by MSIL. Relevant part of the said judgment reads as under:-

“140. Accordingly, the appeals filed by the HSIIDC seeking reduction in the compensation and of MSIL are dismissed and those of the land owners alongwith cross-objections are allowed.

(i) The market value of the land falling in five village i.e. Naharpur Kasan, Kasan, Bas Huria, Bas Khusla and Dhana is assessed @ Rs.41.40 lakhs per acre alongwith all statutory benefits.

(ii) The market value of land in village Manesar is assessed @ Rs.62.10 lakhs per acre alongwith all statutory benefits.

(iii) The appellant-M/s Kohli Holdings Private Limited in RFA No.4646 of 2010 would be entitled for compensation Rs.62.10 lakhs per acre, on account of it being given benefit of 50% of locational advantage being situated on the highway and in village Manesar apart from that it would be entitled for 30% more compensation on account of severance charges on the abovesaid market value alongwith all

statutory benefits.

(iv) The directions of the Apex Court in the case of Pran Sukh will also be adhered to while disbursing the balance amount of compensation.

(v) Where appeals have been filed by the land owners which were beyond period of limitation and applications have been filed for condoning the delay with a condition that the land owners will not be entitled for the interest during the said period, the Executing Court shall ensure that the amounts are calculated and disbursed, keeping in the view the said condition which has been passed in the case of each and individual land owner.

(vi) The appeals filed by the MSIL are dismissed on account of non-maintainability and in view of the observations of the Apex Court in the case of **Satish Kumar Gupta (supra)** being a post notification allottee.”

It is not disputed that the matter was further taken to the Apex Court again by the landowners in '**Wazir and another Vs. State of Haryana**', **2019 (1) Scale 364**, whereby the market value was redetermined on 11.01.2019 by modifying the judgment of this Court passed on 09.03.2018. **MA-299-2019 in Civil Appeal Nos.264-270 of 2019 'Wazir and another Vs. State of Haryana'** for clarification as such had been allowed on 08.02.2019. Resultantly, the market value as such for the notification dated 26.02.2002 has been fixed @ ₹29,77,333/- for all four villages. Relevant part as duly corrected in **SLP (Civil) Nos.4354-4358 of 2019 'Hukam Singh Vs. State of Haryana and another'** decided on 08.02.2019 reads as under:-

“30. In the circumstances, we direct:

- a) In respect of lands under acquisition from villages Naharpur Kasan and Kasan the market value shall be Rs.39,54,666/- per acre. Additionally, all statutory benefits would be payable.
- b) In respect of lands under acquisition from villages Bas Kusla, Bas Haria and Dhana the market value shall be Rs.29,77,333/- per acre. Additionally, all statutory benefits would be payable.
- c) In respect of lands from village Manesar the market value shall be Rs.59,31,999/- per acre. Additionally, all statutory benefits would be payable.
- d) M/s. Kohli Holdings Private Limited shall not be entitled to any severance charges.

31. The appeals preferred by HSIIDC and the State of Haryana stand allowed to the aforesaid extent. The appeals preferred by all the landholders including M/s. Kohli Holdings Private Limited stand dismissed. No costs.”

Accordingly, the present appeals alongwith three cross-objections are also disposed of in terms of the order of the Apex Court as modified thereafter in **Hukam Singh's (supra)**.

SEPTEMBER 06, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No