

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

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**RFA No.3206 of 2019 (O&M)
Decided on : 05.09.2019**

Jagbir Singh and another

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Navneet Singh, Advocate
for the appellants.

G.S. Sandhawalia, J. (Oral)

CM-7750 & 7751-CI-2019

Notice in the application for condoning the delay of 1541 days in filing the appeal and in the application for disposal of the same in terms of **RFA No.4101 of 2008 'HSIDC now HSIIDC VS. Rajesh Kumar-II and others'** decided on 05.07.2019.

Mr. Shivendra Swaroop, AAG, Haryana and Mr. Pritam Singh Saini, Advocate accept notice on behalf of respondents No.1 & 2 and 3, respectively. Copies have been supplied to them.

Accordingly, keeping in view the averments made in the applications and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for 1541 days in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others'** 2014 (14) SCC 133 and in

'Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others' 2015 (1) SCC (Civil) 236, the applications are allowed. The delay of 1541 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CMs stand disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award dated 26.02.2015 passed by the Reference Court, Sonapat, whereby for the notification dated 22.06.2006 issued under Section 4 of the Act, the market value of the acquired land falling in village Badh Malik, Tehsil & District Sonapat has been fixed ₹36 lakhs per acre against ₹35 lakhs awarded by the Land Acquisition Collector. The Reference Court has relied upon an earlier award (Ex.P1) dated 15.10.2012 of the Reference Court to fix the market value.

This Court in **Rajesh Kumar-II (supra)** while dealing with the bunch of cases pertaining to Sonapat area, dealt with (Ex.P1) the said award also and has fixed the market value for the present notification @ ₹42,30,000/- per acre upto the depth of 2 acres (880 feet) and for the balance land @ ₹40,50,000/- per acre, along with all statutory benefits. Relevant portion of the said judgment reads as under:-

“189. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-

(i) For the first notification dated 13.08.2004, for the

land falling in Villages Badh Malik and Pritampura, the market value would be Rs.21,00,000/- per acre. For Jatheri and Akbarpur Barota, Rs.19,00,000/-. For the lands of Villages Abaspur and Chattera Bahadur, acquired by second notification dated 27.08.2004, the market value would work out to Rs.17,00,000/-. The landowners would also be entitled to 50% severance on the market value on account of the statutory restrictions imposed on the balance land and the expressway making the other portion of the land non-viable for cultivation on account of denial of access. However, the benefit of solatium and interest element under Section 23(1-A) and Section 23(2) would not be payable on the amount of severance.

(ii) For the third notification dated 30.06.2005, for Villages Badh Malik, Pritampura and Rasoi, uniform compensation @ Rs.29,54,000/- per acre along with all statutory benefits, is granted.

(iii) For the fourth notification dated 16.11.2005, for Villages Rasoi, Rs.52,80,000/- per acre along with all statutory benefits, is granted.

(iv) For the fifth notification dated 17.11.2005, for the land falling upto the depth of 2 acres (440 feet) of the National Highway, market value is assessed @ Rs.38,50,000. For the other land falling in Villages Badh Khalsa, Firozpur Khadar, Abaspur, Badh Malik and Patla, the market value is assessed @ Rs.35,00,000/- along with all statutory benefits. For Villages Jakholi, Sewli, Khewda and Bahalgarh, the market value is assessed @ Rs.31,50,000/- per acre along with all statutory benefits.

(v) For the sixth notification dated 28.03.2006, for Villages Jatheri, Rs.35,00,000/- per acre is granted along with all statutory benefits.

(vi) For the seventh notification dated 22.06.2006 for Villages Badh Malik, Pritampura, Jatheri, Liwan, Rai and Badh Khalsa, Rs.42,30,000/- per acre is granted upto the depth of 2 acres (880 feet) and for the balance land, market value is assessed @ Rs.40,50,000/- per acre, along with all statutory benefits.

(vii) For the eighth notification dated 05.03.2007, for Villages Badh Malik, Pritampura and Rasoi, the market value is assessed @ Rs.45,00,000/- per acre along with all statutory benefits.

(viii) 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.

(ix) The State shall also comply with the directions laid down by the Apex Court in '**HSIIDC 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.”

Accordingly, the present appeal is also allowed in the same terms. However, the appellants shall not be entitled for interest on the enhanced amount for the delay period i.e. 1541 days.

SEPTEMBER 05, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No