

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

218 to 221

**CM-9295-CI-2019 in/and
RFA No.4670 of 2012**

Rakesh Kumar

... Applicant/Appellant (s)

Versus

State of Haryana and others

... Respondents

(2)

**CM-9291-CI-2019 in/and
RFA No.4667 of 2012**

Rakesh Kumar

... Applicant/Appellant (s)

Versus

State of Haryana and others

... Respondents

(3)

**CM-9424-CI-2019 in/and
RFA No.5504 of 2012**

Vijender Singh @ Bijender Singh

... Applicant/Appellant (s)

Versus

State of Haryana and others

... Respondents

(4)

**CM-9459-CI-2019 in/and
RFA No.5191 of 2012**

Joginder and another

... Applicant/Appellant (s)

Versus

State of Haryana and others

... Respondents

CM-9295-CI-2019 in/and RFA No.4670 of 2012 & other connected cases -2-

(5)

**CM-9461-CI-2019 in/and
RFA No.4873 of 2012**

Jagdish and others

... Applicant/Appellant (s)

Versus

State of Haryana and others

... Respondents

Decided on : 19.11.2019

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

Present: Mr. Shilak Ram Hooda, Advocate
for the applicant/appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Applications for disposing of the main appeals

The present applications have been filed for disposing of the main appeals in terms of judgment dated 05.07.2019 passed in **RFA No.4101 of 2008 'HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II and others'** has been filed.

It has been averred in the application that on an earlier occasion the matter was decided on 03.11.2015 in terms of judgment passed in **RFA No.5360 of 2011 'Kehar Singh Vs. State of Haryana and others'**. In RFA Nos.5504 and 4873 of 2012 the landowners had gone to the Apex Court.

It is not disputed that the judgment passed in **Kehar Singh's case (supra)** was set aside by the Apex Court in **SLP (C)-33232-33233-2017 Civil Appeal No.471-472 of 2018** titled '**Mange (deceased) through LRs Vs. State of Haryana & others**' on 12.01.2018 in terms of order dated 28.11.2017 passed in **Civil Appeal No.20050/2017 'Rajbir & Ors. Vs. State of Haryana & Ors'** and matters have been remanded to this Court for decision afresh. Resultantly, the whole matters had been re-decided on 05.07.2019 in **Rajesh Kumar-II (supra)**.

In such circumstances, once the basic judgment in **Kehar Singh's case (supra)** had been set aside by the Apex Court and the matters have been re-decided, the applications are allowed. The order dated 03.11.2015 passed in RFA Nos. 4670, 4667 and 5191 of 2012 is recalled in the facts and circumstances. The main appeals are taken on board today itself.

CMs stand disposed of.

Main appeals

The present appeals filed under Section 54 of the Land Acquisition Act, 1894 are directed against the Award dated 31.03.2012 passed by the Reference Court, Sonapat, for the land falling in village Sewli which was acquired vide notification dated 17.11.2005. This Court has also dealt with the said award and the notification and other connected notifications in **Rajesh Kumar-II (supra)**.

In the said case, the market value for village Sewli has been fixed @ ₹38,50,000/- per acre for the land falling upto the depth of 2 acres

(440 feet) of the National Highway and ₹31,50,000/- per acre alongwith all statutory benefits. for the other land. The relevant portion of the said judgment read as under:-

“189.

(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 '**HSI IDC 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.”

Resultantly, the present appeals are also disposed of in the abovesaid terms.

NOVEMBER 19, 2019

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No