

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

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**CM-10036-CI-2019 in/and
RFA No.4858 of 2012
Decided on : 11.12.2019**

Indirwati @ Indro

... Applicant/Appellant

Versus

State of Haryana and others

... Respondents

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

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

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-10036-CI-2019

The present application for disposing of the main appeal 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 case was disposed of on 03.11.2015 in terms of judgment passed in **RFA No.5360 of 2011 'Kehar Singh Vs. State of Haryana and others'**. The said matter was challenged by the appellant alongwith other landowners in **SLP Nos.17821-17824 of 2016**, which were disposed off on 28.11.2017 in terms of decision dated 06.09.2017 passed in **Civil Appeal No.12847 of 2017 'Rajbir and others Vs. State of Haryana and others'**. Resultantly, the matters were set aside and remanded to this Court for decision afresh.

It is further stated that the present appeal could not be listed alongwith other connected appeals on 05.07.2019 when the matters were re-decided by this Court. Accordingly, the application is allowed and the main appeal is taken on board today itself.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 is directed against the Award dated 31.03.2012 passed by the Reference Court, Sonapat, for the land falling in village Asawarpur which was acquired vide notification dated 17.11.2005. The land was acquired for the development of the same as commercial institutional and residential area for Sectors 65 to 68, Sonapat.

This Court in **Rajesh Kumar-II (supra)** while dealing with the said notification in question also dealt with the Award of the Asawarpur dated 27.09.2012, which had followed the view taken on 31.03.2012 and fixed the market value @ Rs.38,50,000/- per acre alongwith all statutory benefits for the land falling upto the depth of 2 acres (440 feet) of the National Highway and for the other land @ ₹35,00,000/- per acre alongwith all statutory benefits, for the said village. The 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, Asawarpur, 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 '**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 appeal is also disposed of in the abovesaid terms.

DECEMBER 11, 2019

Naveen

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

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No;