

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

RFA-1364-2013

Date of decision: 22.05.2019

Ram Karan

....Appellant

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Ashwani Talwar, Advocate
and Mr.Akash Sridhar, Advocate, for the appellant.

Mr.Vishal Garg, Addl.A.G., Haryana, for HSIIDC.
Mr.Abhinash Jain, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894, is directed against the award dated 15.10.2012 passed by the Reference Court, Sonapat. Vide the impugned award, as many as 50 reference petitions were decided and the market value was enhanced by Rs.1 lakh per acre from Rs.35 lakhs per acre, as awarded by the Land Acquisition Collector.

Counsel for the appellant has pointed out that though on an earlier occasion in RFA-7958-2011 titled *Sultan Singh Vs. State of Haryana & others*, the benefit of enhancement was given but the same had been set aside by the Apex Court and the matter has been remanded to this Court. It has further been pointed out that in the present case, it was also noticed by the Apex Court that there was claim regarding value of the fruit trees, in CA-4420-2018 decided on 25.04.2018. The order reads as under:

“Delay condoned.

2. Leave granted.

3. The issue raised in these appeals pertains to the claim made by the parties for enhancement of land value. It is submitted that this

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Court has remanded all connected matters. In the case of Ram Karan v. State of Haryana and others (C.A No.4420/2018 @ SLP (C) No.11281/2016, there is also a claim with regard to the value for the fruit bearing trees. According to the learned counsel, even the Reference Court has not made any proper fixation in that regard.

4. Since, it is an appeal under Section 54 of the Land Acquisition Act, it is for the High Court to take a call on this aspect as well.

5. These appeals are also remitted to the High Court for consideration along with the connected matters, which have already been remitted pursuant to our judgment dated 28.11.2017 passed in C.A. No.20050/2017 and batch.

6. Pending applications, if any, shall stand disposed of.

7. There shall be no orders as to costs.”

A perusal of the record also would go on to show that in the award No.20 dated 28.11.2008 passed by the Land Acquisition Collector, for the land falling in Village Jatheri, reference has been made of the shadow trees (shisam, sangwan, popular) to award Rs.4,68,688/-. Similarly, for various trees like Amrood, Chiku, Mango, Anwala, Jamun, Kathal and Karonda, various sums were awarded totalling to Rs.1,84,90,090/- to the appellant. Counsel for the appellant, thus, submits that in view of the joint decision, this aspect, as such, was never considered by the Reference Court and therefore, the matter would require closer examination at the hands of the Reference Court. It is also fairly pointed out that no such expert evidence was adduced on account of the matter being consolidated.

Accordingly, in view of the above discussion, the present appeal is allowed and the matter is remanded to the Reference Court, Sonapat, to redecide the issues afresh, including the value for trees, since this Court is

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also seized of fixing the market value under Section 23. It shall also be open to the appellant to file application for additional evidence in respect of their claim under Section 18 and also for examining any expert evidence, as such, subject to payment of costs of Rs.5000/- to be deposited with the District Legal Services Authority, Sonapat, on account of having failed to lead any evidence earlier in this respect.

Parties shall appear before the District Judge, Sonapat on
22.07.2019.

22.05.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*