

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-9299-CI-2019 in/and

RFA-440-2013

Date of decision: 25.11.2019

Angoori Devi & others

....Appellants

Versus

State of Haryana & others

....Respondents

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

Present: Mr.S.R.Hooda, Advocate, for the appellants.

Ms.Vibha Tewari, AAG, Haryana.

Mr.Pritam Saini, Advocate, for HSIIDC.

G.S. SANDHAWALIA, J. (Oral)

CM-9299-CI-2019

Application has been filed for disposal of the main appeal in terms of the judgment passed by this Court in **RFA-4101-2008** titled *HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II & others*, decided on 05.07.2019. It is not disputed that SLPs were allowed in CA-4701-4702-2017 titled *Mange (deceased) th LRs Vs. State of Haryana*, on 12.01.2018 and the cases were remanded to this Court for fresh decision.

This Court has decided the said appeals. In such circumstances, the main judgment having been set aside, the application is liable to be allowed. Order dated 03.11.2015 is recalled, whereby the case was decided in terms of **RFA No.5360 of 2011 'Kehar Singh Vs. State of Haryana and others'** and the main appeal is taken on Board.

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The present appeal, against the award dated 26.09.2012, passed by the Reference Court, Sonapat, has been filed under Section 54 of the Land Acquisition Act, 1894 and pertains to the land falling in Village Asawarpur whereby land was acquired vide notification dated 17.11.2005. For the said notification, the market value has been fixed @ Rs.35,00,000/- per acre, while dealing with the said notification along with other notifications, vide judgment passed in Rajesh Kumar-II (supra). Relevant portion of the 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

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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 Abasapur 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 (440 feet) and for the balance land, market value is

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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.”

Accordingly, the present appeal is also disposed of, in the same terms.

25.11.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

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Whether Reportable: *Yes/No*