

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

**CM-3777-CI-2019 in/and
RFA No.4467 of 2013
Decided on : 20.08.2019**

Jagan Nath and others

...Applicant/appellants

Versus

State of Haryana and another

... Respondents

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

Present: Mr. Shoaib Khan, Advocate
for the applicant/appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-3777-CI-2019

Application has been filed in an admitted case for disposal of the same, in terms of the judgment dated 13.12.2018 passed in **RFA No.1935 of 2009 'Kali Charan Vs. State of Haryana and another'** (Annexure-A).

On 22.04.2019, counsel for the State had accepted notice and sought time to confirm whether the abovesaid judgment is subject matter of appeal before the Apex Court. Nothing has been pointed out till today as to the filing of any appeal or any interim order passed regarding the abovesaid judgment.

Accordingly, the application is allowed and the main appeal is taken on board today itself.

CM stands disposed of.

Main appeal

The notification in question is dated 27.03.2001, whereby the land falling in village Nada, Tehsil & District Panchkula was acquired for the development and utilization of the same as residential and commercial Sector 31, Panchkula.

The Reference Court vide its Award dated 04.12.2012 has relied upon Award dated 21.12.2009 passed in '**Paramjit Singh etc. Vs. State of Haryana and another**' (Ex.R1) for the same notification to award a sum of ₹340/- per square yard (₹16,45,600/- per acre). The said award was subject matter of consideration in the abovesaid appeal (Annexure-A) and this Court vide the said judgment has enhanced the compensation to ₹1290/- per square yard (₹62,43,600/- per acre) alongwith all statutory benefits, for the notification in question alongwith other notifications. Relevant portion of the said judgment reads as under:-

“69. **Relief:**

(i) Resultantly, the appeals of the State pertaining to the first notification of village Chowki dated 26.06.1998 are dismissed and those of landowners are allowed and the market value is worked out @ Rs.943.20 per square yard (Rs.45,65,088/- per acre) alongwith all statutory benefits.

(ii) For the notification dated 27.03.2001 for the land acquired in village Nada the appeals filed by the State are dismissed and those of landowners are allowed. The amount is assessed @ Rs.1,290/- per square yard (Rs.62,43,600/- per acre) alongwith all statutory benefits.

(iii) For the notification dated 08.12.2003 and 21.01.2004 the appeals filed by the landowners are allowed

and those of State are dismissed. The market value is assessed @ Rs.1403.27 per square yard (Rs.67,91,826.80 per acre) alongwith all statutory benefits.

(iv) 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.

(v) The entitlement of the landowners would be to the amounts awarded above along with statutory benefits. The State would also be entitled to make adjustment of the amounts which have already been paid during the litigation.”

Keeping in view the above and the fact that the State has confirmed that no cross-appeal has been filed regarding the dispute of *Shamlat deh* land qua the share of the appellants, the present appeal is

also allowed in the same terms and appellants shall be entitled for the same benefits.

AUGUST 20, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

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