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

**CM-8767-8768-CI-2019 in/and
RFA No. 4734 of 2013
Decided on : 17.10.2019**

Maman (deceased) through his L.Rs and others

... Applicant/Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. S.P. Khatri, Advocate
for the applicant/appellants.

G.S. SANDHAWALIA , J.(ORAL)

CM-8767-CI-2019

The present application has been filed for impleading the legal representatives of the deceased Maman-appellant No.1, who had expired on 17.01.2018. The names of legal representatives have been mentioned in paragraph No.1 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No.1. The application is supported by the affidavit of Ravi son of deceased Maman.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs.

as mentioned in paragraph No.1 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-8768-CI-2019

Application has been filed in the light of judgment dated 05.07.2019 passed in **RFA-4101-2008 'HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II & others'**.

Notice in the application.

Ms. Vibha Tewari, AAG, Haryana and Mr. Rajesh Goyal, Advocate for Mr. Pritam Singh Saini, Advocate accept notice on behalf of respondents No.1 & 2 and 3, respectively.

It is not disputed that vide earlier judgment dated 03.11.2015 the matter was disposed off in terms of **RFA No.7958 of 2011 'Sultan Singh Vs. State of Haryana and others'** while adjudicating upon the notification dated 22.06.2006. The Apex Court in **Civil Appeal No.20050-2017 titled 'Rajbir & others Vs. State of Haryana & others'** has set aside the said judgment and remanded the matter for fresh disposal. The matter has now been re-decided on 05.07.2019 in **Rajesh Kumar-II(supra)**.

Accordingly, the application is allowed and the order dated 03.11.2015 is recalled. The appeal is restored to its original number and is taken up on board today itself for disposal.

CM stands disposed of.

Main appeal

The present appeal under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') has been filed against the Award dated 15.10.2012 passed by the Reference Court, Sonapat, wherein for the notification in question dated 22.06.2006, the market value had been fixed @ ₹ 36 lakhs per acre.

This Court while dealing with the same award and in the above said case **Rajesh Kumar-II (supra)** has enhanced the market value for the land falling village Jatheri, Tehsil & District Sonapat to ₹ 42,30,000/- per acre upto the depth of 2 acres (880 feet) and for the balance land @ Rs.40,50,000/- per acre, along with all statutory benefits. The relevant portion 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 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, Abaspur, 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 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.

(G.S. SANDHAWALIA)
JUDGE

17.10.2019
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No