

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-7542-CI-2019 in/and

RFA-6374-2013

Date of decision: 19.09.2019

Mehar Chand & others

....Appellants

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Adarsh Jain, Advocate, for the applicant/appellants.

G.S. SANDHAWALIA, J. (Oral)

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Notice in the application for restoring the appeal to its original number and for decision in terms of the judgment dated 31.05.2019, passed in **RFA-7108-2012** titled *Rampal & others (II) Vs. Land Acquisition Collector & another*.

Ms.Vibha Tewari, AAG, Haryana accepts notice on behalf of the State.

Accordingly, keeping in view the averments made in the application, duly supported by affidavit and in view of the fact that the Apex Court in **Civil Appeal No(s)-21014-21016 of 2017 'Premwati & others Vs. State of Haryana and another'**, on 06.12.2017, remanded the matter and this Court re-decided the same on 31.05.2019 in Rampal & others (II) (supra), the present application is allowed. The main appeal is restored to its original number.

CM stands disposed of.

RFA-6374-2013

The land is falling in Village Neemka, which was acquired vide notification dated 14.08.2008 and the impugned award is dated 27.02.2013, whereby the Reference Court had fixed the market value @ Rs.1118/- per sq.yards. This Court, on 31.05.2019, has enhanced the market value to

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Rs.1760/- per sq.yard (Rs.85,18,400/- per acre) and the said award was also subject matter of appeal. Operative part of the judgment reads as under:

“Relief

199. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-

(i) For the first notification dated 01.05.2006, for the land of village Sihi, which was falling within the limits of Municipal Corporation, Faridabad, the market value would be Rs.1351/- per square yard (Rs.65,38,840/- per acre). The market value is fixed @ Rs.1229/- per square yard (Rs.59,48,360/- per acre) for villages Badoli/Baroli, Sihi, Murtazapur, Pehladpur and Bhatola, not falling in the municipal limits.

(ii) For the second notification dated 07.02.2008, the market value for the villages Bhatola, Murtazapur and Badoli/Baroli, is fixed @ Rs.1551/- per square yard (Rs.75, 06, 840/- per acre) and for other three villages i.e. Fajjupur Majra Neemka, Neemka, Faridpur, the market value is fixed @ Rs.1410/- per square yard (Rs.68,24,400/- per acre).

(iii) For the third notification dated 14.08.2008, the market value is fixed @ Rs.3300/- per square yard (Rs.1,59,72,000/- per square yard) for the land falling within the limits of Municipal Corporation, Faridabad of villages Budhena, Baselwa and Mawai. For the other land of the said villages, the market value is fixed @ Rs.2970/- per square yard (Rs.1,43,74,800/- per acre).

(iv) For the land falling in villages Badoli/Baroli, Pehladpur and Wazirpur, for the notification dated 14.08.2008, the market value is fixed @ Rs.2129/- per square yard (Rs.1,03,04,360/- per acre). For the lands of villages Palwali, Badshahpur, Bhatola and Murtazapur the market value is fixed @ Rs.1936/-per square yard (Rs.93,70,240/- per acre). And for the land falling in the last belt of the notification dated 14.08.2008 in villages **Neemka**, Fajjupur Majra Neemka, Kheri Khurd, Faridpur, Kheri Kalan, Bhupani,

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Riwajpur and Tikawali, the market value is fixed @ Rs.1760/- per square yard (Rs.85,18,400/- per acre).

200. 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.

201. 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 allowed in the same terms.

19.09.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No