

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-7735-CI-2019 AND
RFA No.6377 of 2013 (O&M)
Date of Decision: 12.09.2019**

Rajbir Singh & Ors.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Adarsh Jain, Advocate for the appellant

Mr. Shivendra Swaroop, AAG Haryana

G.S. SANDHAWALIA, J. (Oral)

CM-7735-CI-2019

Application has been filed for restoring the appeal to its original number as the judgment in **RFA-7108-2012 Rampal & Others vs. Land Acquisition Collector & Anr.** decided on 16.09.2015 has been set aside and the case had been remanded for fresh disposal by the Apex Court in **Civil Appeal Nos.21014-21016 of 2017 Premwati & Ors. vs. State of Haryana & Anr.** decided on 06.12.2017. Accordingly prayer has been made for fresh disposal in terms of the order dated 31.05.2019 passed by this Court in **RFA No.7108 of 2012 Rampal and Others (II) vs. Land Acquisition Collector & Anr.** whereby the issue has been re-decided.

Notice of the application. On the asking, Mr. Shivendra Swaroop, AAG Haryana accepts notice.

Keeping in view the averments made in the application, the same is allowed and the order dated 16.09.2015 passed in the above-cited appeal is recalled and the appeal is restored to its original position and is taken up for final disposal.

CM stands disposed of.

RFA No.6377 of 2013 (O&M)

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 arises out of the award of the Reference Court, Faridabad dated 13.08.2013 for the notification dated 14.08.2002 whereby Rs.1118/- per sq.yard has been granted for the land in dispute for village Neemka. This Court in **RFA No.7108 of 2012 Rampal and Others (II) vs. Land Acquisition Collector & Anr.** re-decided the issue on 31.05.2019 and fixed the market value for Village Neemka which was acquired vide notification dated 14.08.2008 @ Rs.1760/- per sq.yard (Rs.85,18,400/- per acre). The relevant portion reads as under:-

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, Riwapur 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.

Resultantly, the present appeal is disposed off in same terms.

12.09.2019

Vvishal

**(G.S. Sandhawalia)
Judge**

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No