

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

340-A

RFA No.2032 of 2014

Smt. Bhagwati

... Appellant

Versus

State of Haryana and others

... Respondents

(2)

RFA No.2033 of 2014

Kalu Ram

... Appellant

Versus

State of Haryana and others

... Respondents

(3)

RFA No.2034 of 2014

Ram Sarup

... Appellant

Versus

State of Haryana and others

... Respondents

Decided on : 06.09.2019

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

Present: None for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
for the respondent-HSIIDC

G.S. Sandhawal, J. (Oral)

The present order shall dispose of three appeals i.e.

RFA Nos.2032 to 2034 of 2014, filed under Section 54 of the Land

Acquisition Act, 1894 (for short 'the Act') which are directed against the Award dated 12.11.2013 of the Reference Court, Gurgaon, whereby the petition under Section 18 of the Act had been dismissed on the ground of limitation while fixing the market value @ ₹37,47,232/- per acre.

The Reference Court has come to the conclusion that the Award by the Land Acquisition Collector was passed on 20.05.2004 for the notification in question dated 26.02.2002, whereby the land of village Bas Haria was acquired by invoking the urgency provisions for the purpose of setting up of the Industrial Model Township, Manesar.

Reliance as such was placed upon an earlier Award (Ex.P5), passed in **LA Case No.338 of 2008 'Saggu etc. Vs State of Haryana'**, wherein the market value had been fixed at the abovesaid rate by another Reference Court. However, the claim for compensation at the same amount was denied on the ground that the reference petitions were filed on 07.01.2010, 5 ½ years later after the award had been passed by the Land Acquisition Collector, which were time barred as per provisions of Section 18 (2) of the Act, which provided for the period of limitation.

A finding has been recorded that the amount had been received by one of the landowner-Kalu who is the husband of Bhagwati. It was also noticed that parties belong to same family as Kalu and Ram Sarup are sons of Nand Lal, whereas Bhagwati is wife of Kalu. Ram Sarup in his case, in his cross-examination had admitted that he had received notices from the office of Land Acquisition Collector (Ex.P3 and P4) under Section 9, whereby they had been directed to attend the

Court of Land Acquisition Collector to lodge their claim for compensation or any objection regarding measurement. It was on that account, in the award it was held that the petitions had been filed at a belated stage and were beyond the period of limitation. Reliance upon judgments passed in '**State of Punjab Vs. Mst. Qaisar Jhan Begum and others**', AIR 1963 S.C. 1604, '**Office on Special Duty (Land Acquisition) and another Vs. Sham Mani Lal Chandu Lal and others**' 1996 (9) SCC 414 and in '**Parsottambhai Maganbhai Patel and others Vs. State of Gujarat** AIR 2005 S.C. 3464, was made to deny the benefits as such. The findings as such which were recorded are in accordance with the settled position of law and, therefore, there is no scope for interfering with the said findings which were recorded by the Reference Court.

It is also pertinent to notice that the said notification was subject matter of repeated litigation and eventually the Apex Court in '**Wazir and another Vs. State of Haryana**', 2019 (1) Scale 364, decided on 11.01.2019 has fixed the market value for the land falling in village Bas Haria @ ₹29,77,333/- per acre alongwith all statutory benefits, which is less than what had been granted by the Reference Court. The order passed in Wazir's case (supra) was clarified in **MA-299-2019** decided on 08.02.2019 regarding that aspect.

A perusal of the judgment passed in Bhagwati's case would go on to show that there is another co-sharer Bhoj Ram. Thus, it is

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apparent that the landowners still have remedy in as much as getting the Award executed which has been modified in principle by the Apex Court by filing execution applications, in view of the settled position of law in **A.Vishwanath Pillai Vs. Special Tehsildar of Land Acquisition 1991 (4) SCC 17, Smt.Parwati Vs. State of Haryana 2009 (5) RCR (Civil) 572 and Parkasho Vs. State of Punjab 2010 (2) Law Herald 1676.**

Resultantly, the present appeals as such do not warrant any interference on the issue of limitation and the same are disposed of with the abovesaid observations.

SEPTEMBER 06, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No