

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-6367-CI-2019 in/and

RFA-6796-2013

Date of decision: 24.07.2019

Dharampal

....Appellant

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Bhisham Kumar Majoka, Advocate,
for the applicant/appellant.

G.S. SANDHAWALIA, J. (Oral)

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Notice in the application for restoring the appeal which was decided on 16.09.2015.

Mr.Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the State.

Accordingly, keeping in view averments made in the application, duly supported by affidavit and on account of the fact that the judgment dated 16.09.2015, passed by this Court on an earlier occasion was in view of the decision of **RFA-7108-2012** titled *Rampal & others Vs. Land Acquisition Collector & another*. The same was set aside by the Apex Court in **Civil Appeal No (s).21014-21016 of 2017 'Premwati & others Vs. State of Haryana and another'** on 06.12.2017 and the matters were remanded, thus, the present application is allowed. The main appeal is restored to its original number.

This Court has re-decided the said set of appeals on 31.05.2019, in **RFA-7108-2012** titled *Rampal & others (II) Vs. Land Acquisition Collector & another*. Counsel for the appellants has prayed for disposal in the same terms.

The land is falling in Village Bhatola, which was acquired vide

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notification dated 14.08.2008 and the award is dated 30.04.2013, which was also subject matter of consideration when the matter was decided on 31.05.2019. 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.

24.07.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No