

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

RFA No.2229 of 2016 (O&M)

Date of Decision: 14.10.2019

Ram Chand (deceased) through his LRsAppellant(s)

Versus

State of Haryana and othersRespondents

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

Present: Mr. Kul Bhushan Sharma, Advocate
for the appellant(s).

Ms. Vibha Tiwari, AAG, Haryana.

G.S. SANDHAWALIA, J. (ORAL)

Applications for deciding the appeals in the same terms

Applications have been filed for deciding the main appeals in terms of the judgment dated 31.05.2019 passed by this Court in RFA No.7108 of 2012 titled as **Rampal and others (II) Vs. Land Acquisition Collector and another**. It has been averred that on earlier occasion cases were disposed of on 12.12.2016. The same were passed in terms of the earlier order passed in RFA No.7108 of 2012 on 16.09.2015.

Notice in the applications.

Ms. Vibha Tiwari, AAG, Haryana accepts notice.

It is not disputed that the said judgment dated 16.09.2015 was carried to the Apex Court by the landowners in Civil Appeal No(s).21014-21016 of 2017 titled as **Premwati and others Vs. State of Haryana and another**, decided on 06.12.2017. The Apex Court remanded the matters and the said cases have been re-decided on 31.05.2019.

Accordingly, keeping in view the facts, earlier order dated

12.12.2016 is recalled.

CMs stand disposed of.

Applications for condonation of delay in filing

Applications for condonation of delay of 14 days in filing the appeals have been filed. In view of the averments made, duly supported by the affidavits, nominal delay of 14 days in filing the appeals is condoned.

CMs stand disposed of.

Main cases

The present order shall dispose of RFA Nos.2229, 2227, 2228, 3090 and 3091 of 2016. The facts have been taken from RFA No.2229 of 2016 as common questions of law and facts are involved.

The appeals are pertaining to the award dated 05.01.2016 passed by the Reference Court, Faridabad for village Mawai, Tehsil & District Faridabad, for the notification dated 14.08.2008 under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), wherein market value has been fixed @ Rs.2,000/- per square yard along with all statutory benefits enhancing it from Rs.42 lakh per acre as awarded by the Land Acquisition Collector.

This Court in **Rampal and others (II)** (supra) while dealing with the said notification for the same award dated 05.01.2016 of village Mawai has fixed the market value @ Rs.3300/- per square yard (Rs.1,59,72,000/- per acre) for the land falling within the limits of Municipal Corporation, Faridabad. For the other land of the said village, the market value has been fixed @ Rs.2970/- per square yard (Rs.1,43,74,800/- per acre). The relevant portion reads as under:-

“Relief

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

(i) to (ii) xxxx

(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).”

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 appeals are allowed in the same terms.

14.10.2019
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No