

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

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**RFA No.3404-2015 (O&M)
Decided on : 22.11.2019**

Chet Ram & another

... Appellants

Versus

State of Haryana & others

... Respondents

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

Present: Mr.Sachin Kadyan, Advocate, for the applicant/appellants.

Ms.Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-9039-CI-2019

The present application has been filed for disposing of the main appeal in terms of judgment passed in **RFA No.4101 of 2008 'HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II and others'** dated 05.07.2019.

It has been averred in the application that on an earlier occasion the matter was decided on 04.07.2017 in terms of judgment passed in **RFA No.5360 of 2011 'Kehar Singh Vs. State of Haryana and others'**.

It is not disputed that the judgment passed in **Kehar Singh's case (supra)** was set aside by the Apex Court in **SLP (C)-33232-33233-2017 Civil Appeal No.471-472 of 2018** titled '**Mange (deceased) through LRs Vs. State of Haryana & others**' on 12.01.2018 in terms of order dated 28.11.2017 passed in **Civil Appeal No.20050/2017 'Rajbir & Ors. Vs. State of Haryana & Ors'** and matters have been remanded to this Court for decision afresh. Resultantly, all of the matters have been re-decided on 05.07.2019 in **Rajesh Kumar-II (supra)**.

In such circumstances, once the basic judgment in **Kehar Singh's case (supra)** had been set aside by the Apex Court and the matters have been re-decided, the application is allowed. The order dated 04.07.2017 passed in RFA Nos.3404 of 2015 is recalled in the facts and circumstances. The main appeal is taken on board today itself.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 is directed against the Award dated 14.11.2013 passed by the Reference Court, Sonapat, for the land falling in village Badhkhalsa which was acquired vide notification dated 17.11.2005. This Court has also dealt with the said award and the notification and other connected notifications in **Rajesh Kumar-II (supra)**.

In the said case, the market value for village Badhkhalsa has been fixed @ ₹35,00,000/- per acre alongwith all statutory benefits. for the other land upto 2 acres for the Highway @ Rs.38,50,000/- per acre. The relevant portion of the said judgment read as under:-

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

(i) For the first notification dated 13.08.2004, for the land falling in Villages Badh Malik and Pritampura, the market value would be Rs.21,00,000/- per acre. For Jatheri and Akbarpur Barota, Rs.19,00,000/-. For the lands of Villages Abaspur and Chattera Bahadur, acquired by second notification dated 27.08.2004, the market value would work out to Rs.17,00,000/-. The landowners would also be entitled to 50% severance on the market value on account of the

statutory restrictions imposed on the balance land and the expressway making the other portion of the land non-viable for cultivation on account of denial of access. However, the benefit of solatium and interest element under Section 23 (1-A) and Section 23(2) would not be payable on the amount of severance.

(ii) For the third notification dated 30.06.2005, for Villages Badh Malik, Pritampura and Rasoi, uniform compensation @ Rs.29,54,000/- per acre along with all statutory benefits, is granted.

(iii) For the fourth notification dated 16.11.2005, for Villages Rasoi, Rs.52,80,000/- per acre along with all statutory benefits, is granted.

(iv) For the fifth notification dated 17.11.2005, for the land falling upto the depth of 2 acres (440 feet) of the National Highway, market value is assessed @ Rs.38,50,000. For the other land falling in Villages **Badh Khalsa**, Firozpur Khadar, Asawarpur, Badh Malik and Patla, the market value is assessed @ Rs.35,00,000/- along with all statutory benefits. For Villages Jakholi, Sewli, Khewda and Bahalgarh, the market value is assessed @ Rs.31,50,000/- per acre along with all statutory benefits.

(v) For the sixth notification dated 28.03.2006, for Villages Jatheri, Rs.35,00,000/- per acre is granted along with all statutory benefits.

(vi) For the seventh notification dated 22.06.2006 for Villages Badh Malik, Pritampura, Jatheri, Liwan, Rai and Badh Khalsa, Rs.42,30,000/- per acre is granted upto the depth of 2 acres (440 feet) and for the balance land, market value is assessed @ Rs.40,50,000/- per acre, along with all statutory benefits.

(vii) For the eighth notification dated 05.03.2007, for Villages Badh Malik, Pritampura and Rasoi, the market value is assessed @ Rs.45,00,000/- per acre along with all statutory benefits.

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(viii) 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.

(ix) 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 appeals are also disposed of in the abovesaid terms.

NOVEMBER 22nd, 2019
SAILESH

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No