

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

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**RA-RF-118-2019 (O&M) in/and
RFA No.3754 of 2014
Decided on : 02.12.2019**

Nirmala Devi

... Review Applicant/Appellant

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Sawan Choudhary, Advocate
for the review applicant/appellant.

G.S. Sandhawalia, J. (Oral)

CM-10515-CI-2019 in RA-RF-118-2019

Exemption application is allowed, as prayed for.

CM stands disposed of.

RA-RF-118-2019 (O&M)

The present review application has been filed for reviewing the order dated 22.12.2015 (Annexure A-1). Alongwith the review application, application for condoning the delay of 1400 days in filing the same has been filed.

Notice in the application.

Ms. Vibha Tewari, AAG, Haryana accepts notice on behalf of the respondents/State.

The appeal was disposed of in terms of the order recorded in **RFA No.1515 of 2014 'Harijan Co-operative Society Ltd. Vs. State of Haryana and another'** (Annexure A-2). The matter was taken to the Apex Court qua the notification dated 23.08.2007 in **Civil Appeal No.2846 of 2017 'Bijender and others Vs. State of Haryana and another'** decided on

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27.10.2017 and the land owners have got further benefit in as much as the market value of the land was assessed at the rate of Rs. 45,00,000/- per acre in place of Rs.33,00,000/- per acre and Rs.35,00,000/- per acre in place of Rs.24,75,000/- per acre which was enhanced by this Court.

Relevant portion reads as under:-

“62) We have applied our mind keeping in view all the relevant factors coupled with the law laid down by this Court. Taking into consideration all the relevant factors emerging from the evidence and the findings of the Courts below on the issues such as - the location of the acquired land, its surroundings, nature, potentiality, rates of small plots, the purpose of acquisition, development cost needed, non availability of the sale deeds for large areas sold in acres, etc., we are of the considered opinion that just, fair and proper market value of the acquired land in question on the date of issuance of Section 4 notification is determined at Rs.45,00,000/- (Forty Five Lacs) per acre in place of Rs.33,00,000/- (Thirty Three Lacs) per acre for the lands described in detail in column 2 of the Award of the Collector dated 19.08.2010 (Annexure P-3) at page 32 of the SLP paper book of C.A.No. 2846/2017 and Rs.35,00,000/- (Thirty Five Lacs) per acre in place of Rs.24,75,000/- (Twenty Four Lacs Seventy Five Thousand) per acre for lands described in detail in column 1 of the said Award. In other words, the appellants are held entitled to receive compensation for the acquired land as described hereunder:

S. No.	Class of Land	Awarded Amount
1.	Nehri, Chahi	Rs.35 lacs
2.	To the depth of 2 acres from Safidon-Jind Road & Safidon Bye pass Road and Gair-mumkin land.	Rs.45 lacs

63) In addition to the aforesaid, the appellants are also held entitled to statutory compensation as provided in the Act and which the Courts below had already awarded to the appellants. We uphold the Award of such compensation. The two rates which we have determined above would apply to entire acquired land of all the appellants.

64) In the light of foregoing discussion, the appeals succeed and are allowed in part. The impugned judgments are partially modified in appellants' favour by enhancing the compensation payable to appellants (claimants/landowners) in respect of their acquired land to the extent indicated above."

Resultantly, keeping in view the above facts that the market value has been finally assessed for the notification dated 23.08.2007, the landowners are entitled for the same amount of compensation.

Accordingly, delay of 1400 days in filing the review application is condoned, subject to the condition that the landowners will not be entitled for the benefit of interest on the enhanced compensation for the above said delay period, in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236. The order dated 22.12.2015 is also recalled.

Review application alongwith application for condonation of delay stands allowed. The main appeal is taken on board today itself.

Main appeal

The Reference Court, Jind has dismissed the petition filed under Sections 18 and 30 of the Land Acquisition Act, 1894 (in short 'the

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Act') vide order dated 17.12.2013 and upheld the compensation awarded by the Land Acquisition Collector, Jind (for short "the LAC") dated 19.8.2010. The land is situated in village Safidon, District Jind and was acquired for the purpose of development of Sectors 7,8 and 9. The LAC had awarded a sum of Rs.33,00,000/- per acre upto the depth of two acres from the Safidon-Jind road; Safidon Bye-pass road and for Gair Mumkin land and Rs.18,00,000/- per acre was awarded for Nehri and Chahi land apart from other statutory benefits. The amount was enhanced in **RFA No.1515 of 2014-Harijan Co-operative Society Ltd. Vs. State of Haryana and another** decided on 22.12.2015 by this Court to the extent that the land owners who had been granted Rs.18,00,000/- per acre were held to be entitled to Rs.24,75,000/- per acre whereas compensation of the land falling on the main roads was maintained.

Accordingly, the appeal is allowed in view of the above terms as per the order of the Apex Court dated 27.10.2017. However, the appellants shall not be entitled for the benefit of interest for the delay period of 1400 days in filing the review application.

DECEMBER 02, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No