

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

**RFA No.4414 of 2015 (O&M)
Decided on : 31.01.2019**

Kuldeep Singh

...Appellant

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Arun Jain, Senior Advocate with
Mr.Nitin Jain, Advocate,
Mr.Shailendra Jain, Senior Advocate with
Ms.Anupama Arigala, Advocate,
Mr.Jaivir Yadav, Advocate,
Mr.Ashish Gupta, Advocate,
Mr.Gaurav Aggarwal, Advocate,
for the landowners.

Mr.Sudeep Mahajan, Addl.A.G., Haryana.
Ms.Vibha Tewari, AAG, Haryana.

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

G.S.SANDHAWALIA, J. (Oral)

The present appeal has been filed against the order dated 04.12.2009 whereby the Land Acquisition Case No.233 was dismissed and the reason given in the short order is that it is in view of the detailed order passed in Land Acquisition Case No.112 of 20.01.2007 titled **Lal Singh Versus State of Haryana** and under Section 35-B CPC.

A perusal of the order passed in **Lal Chand** (supra) would go on to show that the said case was dismissed on merits and the Reference Court did not grant any enhancement qua the land acquired vide notification dated 29.09.2005, which was acquired for constructing

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the Express Highway, connecting National Highway Nos.1, 10, 8 & 2. The said **Lal Chand's case** (supra), as noticed, was dismissed subsequently on 22.01.2010, which was subsequent to the order dated 04.12.2009 and therefore, the reasoning given to fall back on **Lal Chand** (supra) was without any basis, since the said judgment had not come into existence at that point of time. Even otherwise, vide detailed order of even date, RFA-3552-2010 titled **Om Parkash & others Vs. State of Haryana and others** have been decided and the matters have been remanded for fresh consideration. Resultantly, the present appeal is also allowed in the same terms and the matter is remanded for fresh consideration.

Needless to say that once land acquisition matters are being decided qua the same notification and for the same village, the Reference Court will be well advised to decide the cases together so that evidence led by one set of landowners can also be considered in the other land references filed by other landowners who may not be diligent enough and in a position to lead evidence, to prove the market value of the acquired land.

January 31st, 2019
sailesh

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No