

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

**RFA No.1797-2017
Decided on : 21.11.2019**

Haryana Power Generation Corporation Ltd.

... Appellant

Versus

Ami Chand (deceased) th LRs & others

... Respondents

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

Present: Ms.Surabhi Kaushik, Advocate, for
Mr.Prateek Mahajan, Advocate, for the appellant.

Mr.H.S.Virk, Advocate, for the respondents.

G.S. Sandhawal, J. (Oral)

Present appeal, filed under Section 54 of the Land Acquisition Act, 1894 (for short, the 'Act') arises out of the award of the Reference Court, Hisar dated 02.11.2016 whereby the market value for the land acquired, had been fixed @ Rs.1100/- per sq.yard, for the notification dated 10.12.2008.

In RFA-725-2016 titled *State of Haryana & others Vs. Sohan Lal & another*, decided on 05.09.2019, this Court dealt with the said award and the notification along with an earlier notification dated 04.04.2008 and award dated 05.11.2015, to uphold the grant of same amount of compensation. However, it was held that the additional amount of 30% of the market value, on account of severance was the entitlement of the landowners, for the second notification and the appeals of the landowners were partly allowed, to that extent. Relevant portion of the judgment reads as under:

“In such circumstances, this Court is of the opinion that for the second notification dated 10.12.2008, the landowners are

RFA-1797-2017

entitled for an additional amount of 30% of the market value on account of severance, in view of third Clause of Section 23 of the Act. Accordingly, the appeals filed by the landowners are allowed for the second notification and severance at 30% of the market value is granted and State appeals are dismissed. Consequently, the appeals filed by the Corporation, the State and of the landowners, for the first notification, are dismissed.”

On an earlier occasion, objection had been raised by the office of the nomenclature of respondent No.3(i) Bhagwani Devi @ Bhani and her relationship, as such and affidavit of the counsel has been filed that Bhagwani Devi is the wife of Rati Ram and mother of Ramesh. Necessary documents have also been placed on record.

Resultantly, the present appeal is dismissed. The office is directed to remit the amount of compensation which has been deposited with this Court, in pursuance of the orders of the Apex Court, for onward transmission to the Executing Court, for necessary disbursal to the landowners.

NOVEMBER 21st, 2019
SAILESH

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*