

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-3747-CI-2019 in/and
RFA No.9420 of 2014
Date of Decision: 17.05.2019**

Jagan Nath & Ors.

... Appellants

VS.

State of Haryana & Anr.

... Respondents

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

Present: Mr. Shoaib Khan, Advocate;
For the appellants

Ms. Vibha Tewari, AAG Haryana

G.S. SANDHAWALIA, J. (Oral)

CM-3747-CI-2019

Application has been filed for deciding the appeal in terms of the judgment of this Court passed in **RFA-1935-2009 Kali Charan vs. State of Haryana & Anr.** decided on 13.12.2018 (Annexure A). Accordingly, the same is allowed and the main case is taken on board for final disposal.

Main case

The notification under Section 4 of the LA Act in question is dated 27.03.2001 and the Reference Court award is dated 09.10.2013 whereby the market rate was fixed @ ₹ 340/- per sq.yard for the land falling in village Nada, Tehsil and District Panchkula. The Reference Court followed the earlier view which was taken in the award (Ex.PA) dated 21.12.2009 which was for the same notification.

It is pointed out that in **Kali Charan's** case (supra), the said award was also subject matter of consideration vide which the market value

has been enhanced to ₹ 1,290/- per sq.yards i.e. ₹ 62,43,600/- per acre. The relevant part of the relief clause reads as under:-

69. Relief:

(i) Resultantly, the appeals of the State pertaining to the first notification of village Chowki dated 26.06.1998 are dismissed and those of landowners are allowed and the market value is worked out @ Rs.943.20 per square yard (Rs.45,65,088/- per acre) alongwith all statutory benefits.

(ii) For the notification dated 27.03.2001 for the land acquired in village Nada the appeals filed by the State are dismissed and those of landowners are allowed. The amount is assessed @ Rs.1,290/- per square yard (Rs.62,43,600/- per acre) alongwith all statutory benefits.

(iii) For the notification dated 08.12.2003 and 21.01.2004 the appeals filed by the landowners are allowed and those of State are dismissed. The market value is assessed @ Rs.1403.27 per square yard (Rs.67,91,826.80 per acre) alongwith all statutory benefits.

(iv) 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.

(v) The entitlement of the landowners would be to the amounts awarded above along with statutory benefits. The State would also be entitled to make adjustment of the amounts which have already been paid during the litigation.

It is further pointed out that no SLP at present has been filed against the said judgment.

Keeping in view the above, the main appeal is allowed in the above-reproduced terms.

17.05.2019

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(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No