

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-3745-CI-2019 in/and
RFA No.2819 of 2018
Date of Decision: 17.05.2019**

Daljit Kaur

... Appellant

VS.

State of Haryana & Anr.

... Respondents

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

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

Ms. Vibha Tewari, AAG Haryana

G.S. SANDHAWALIA, J. (Oral)

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 (A).

Upon notice, Ms. Vibha Tewari, AAG Haryana accepts notice in the application. Accordingly, the date of hearing in the main case is preponed from 10.07.2019 to today and is taken on board for final disposal.

Main appeal

The present appeal under Section 54 of the Land Acquisition Act, 1894 arises out of the award dated 10.02.2014 passed by the Reference Court, Panchkula whereby market value has been fixed @ ₹ 662/- per sq.yard for village Chowki, Tehsil and District Panchkula for the notification dated 26.06.1998. The Reference Court has relied upon the award dated (Ex.P14) dated 10.03.2009 to grant the said market value.

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 ₹ 943.20/- per sq.yard i.e. ₹ 45,65,088/- per acre for the said village. 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 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