

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-7039-7040-CI-2018 and RFA-3208-2018 (O&M)

Date of Decision: 25.01.2019

Kawar Singh & Ors.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Sawan Choudhary, Advocate for the appellants

G.S. SANDHAWALIA, J. (Oral)

CM-7039-CI-2018

Application for treating the present appeal as an urgent as RFA-2808-2014 has already been decided, is allowed, as prayed for.

CM stands disposed of.

CM-7040-CI-2018

The present application has been filed for condonation of 1505 days delay in filing the appeal against the award dated 17.12.2013 passed by the Reference Court, Jind.

Notice in the application.

Ms. Vibha Tewari, AAG Haryana accepts notice on behalf of the respondents-State. Copy of the paper-book has been supplied to him.

Keeping in view the fact that the market value has been finally assessed for the notification dated 23.08.2007 for the land falling in village Safidon in which the matter was taken to the Apex Court in **AIR 2017 SC 5811 'Bijender and others Vs. State of Haryana and another'** decided on 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:

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

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.”

Accordingly, keeping in view the judgments of Apex Court in **Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133** and **Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127**, delay is condoned, subject to the condition that the appellants shall not be entitled for the benefit of interest from the date of award till the date of filing of the appeal.

CM stands disposed of.

RFA No.3208 of 2018

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

Keeping in view that the matter has been decided by the Apex Court, further compensation as such has become payable to the appellants also who are similarly situated on the ground of parity.

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 from the date of award till the date of filing of the appeal i.e. for a period of 1505 days.

25.01.2019
vvishal

(G.S. Sandhawalia)
Judge

- | | |
|-------------------------------|------------|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |