

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

**RFA-4968-2017
and RFA-4969, 4970 & 4973-2017
Date of decision: 02.07.2019**

Promila Kumari
State of Haryana & others

Versus

....Appellant
...Respondents

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

Present: Mr.G.C.Shahpuri, Advocate, for the appellants.

G.S. SANDHAWALIA, J. (Oral)

The present appeals, bearing RFA-4968, 4969, 4970 & 4973-2017, filed under Section 54 of the Land Acquisition Act, 1894 (for short, the 'Act'), are directed against the order of the Reference Court, Yamuna Nagar at Jagadhri dated 31.03.2017, deciding a petition under Sections 18 & 30.

The market value which has been assessed for the acquired land, falling in the revenue estate of Village Gobindpura-Hadbast No.407 and Gobindpuri-Hadbast No.404, for the development and utilization of the land as residential, commercial area for Sector 18 Part-II, Jagadhri, under the Haryana Urban Development Authority Act, 1977, vide notification dated 16.08.2001, is Rs.11,32,800/- per acre. For the land situated within the depth of 100 meters on Jagadhri-Yamuna Nagar Bye-Pass, the value was assessed @ Rs.2000/- per sq.meter. The market value has been enhanced from Rs.6 lakhs per acre. The value was fixed on the basis of the award (Ex.P14) passed in LAC-1086-2010 titled '*Amar Chand Vs. State of Haryana*', which was for the same notification.

It is not disputed that in RFA-1874-2010 titled *State of Haryana & another Vs. Lalit Puri & another*, decided on 26.08.2015, this

Court disposed of a bunch of appeals, for the same notification, being covered by RFA-6-2008 titled *State of Haryana Vs. Seema Rani & others*, decided on 08.12.2008. A perusal of the judgment in Seema Rani (supra) would go on to show that for the notification dated 28.08.2001, for the land falling in Gobindpura-Hadbast No.407, land was acquired for the construction of road in Sector 18, Jagadhri. The market value had also been determined @ Rs.11,32,800/- per acre. The said market value, as such, was upheld. However, for the land falling on the Jagadhri, Yamuna Nagar Bye-Pass, upto the depth of 100 meters, the value was assessed at Rs.2000/- per sq.meter. Relevant portion of the judgment read as under:

“Admittedly, a part of the land is situated on Jagadhri-Yamunanagar bye-pass where the road for which the land was acquired is connected. As far as portion of the land abutting Jagadhri-Yamunanagar bye-pass is concerned, I deem it appropriate to rely upon the judgment of this Court in Anoop Kumar's case (supra) as location-wise, both the pieces of land has similarity. Accordingly, placing reliance thereon, for the land abutting Jagadhri- Yamunanagar bye-pass road upto a depth of 100 meters therefrom, the value is assessed at Rs. 2,000/- per square meter granting increase of Rs. 440/- per square meter for the period of difference of about 4 years in two acquisitions.

Accordingly, the appeals filed by the land owners are allowed only to the extent that for a depth of 100 meters on Jagadhri-Yamunanagar bye-pass, the value of the land is assessed at Rs. 2,000/- per square meter, whereas for the land behind that, the award of the learned court below is upheld. The appeals filed by the State are dismissed.”

The Reference Court, thus, has only followed the said view and therefore, there is no further scope for enhancement as nothing could be pointed out that the said judgment has been further modified by the Apex Court.

Regarding the issue of apportionment under Section 30 of the Act, it has been noticed that the plots had been allotted by Maharaja Agrasen Cooperative House Building Society and accordingly, the allottees of the respective plots have been held entitled for the compensation on the basis of the allotment-cum-possession certificates and the benefit of the enhanced compensation was to be paid in terms of the said award. The remaining amount was to be disbursed to the said Society. Some of the appellants have filed claims on the basis of Will, asserting being the sole legal heirs but on account of no cogent evidence being brought on record, to substantiate the plea and the Wills having not been proved as per law, liberty had been granted to the appellants to get their rights decided as per law. Relevant portion of the award reads as under:

“17. Noticeably, in some of the references, petitioners have lodged their claim on the basis of Will or asserting as sole legal heir of respective allottees, however, there is no cogent evidence brought on record to substantiate this plea. Neither other legal heirs were impleaded as parties, nor the Will(s) set up have been proved as per law. Thus, I am unable to decide the right of such petitioners regarding the apportionment of the amount of compensation with the other legal heirs of deceased allottees of the plot. However, the petitioners shall be at liberty to get their rights decided as per law.”

Since the Reference Court is dealing only with the limited question as to the market value and apportionment and therefore, the remedy, as such, if there is any dispute qua the inheritance inter se the allottees, can always be agitated before the Court of competent jurisdiction. Therefore, liberty had rightly been granted by the Reference Court and it is not required to go into the said issue and therefore, no useful purpose, as such, would be served by further examining the issue from this perspective as the interest of the appellants has not been prejudiced, in any manner.

Accordingly, in view of the above discussion, finding no merit in the present appeals, the same are, hereby, dismissed in limine.

02.07.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*