

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.5447 of 2017
Decided on : 15.05.2019

Balbir Singh and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : None for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the order of the Reference Court, Hisar dated 31.05.2011, whereby a sum of ₹34,36,400/- per acre has been granted @ ₹710/- per square yard alongwith all statutory benefits, for the notification dated 19.05.2003 issued under Section 4 of the Act.

Counsel for the appellant on 20.04.2018 had submitted as under:-

“Counsel prays for time to find out whether any SLP is pending against RFA No.5916 of 2011 titled as ***Narender Kumar and others Vs. State of Haryana and others*** decided on 19.03.2015 wherein the market value has been assessed at the rate of Rs.1100.19 paise per square yard.

Adjourned to 09.05.2018.

Counsel for the State, Mr. Swaroop, has fairly pointed out that in **Narender Kumar's case (supra)** the market value has been fixed @

₹1100.19 per square yard and the said appeal also arises out of the same order of the Reference Court. It is further pointed out that a bunch of cases had been taken to the Apex Court by the landowners, lead case of which was **Civil Appeal No.586-591 of 2017 'Ram Avtar Vs. The State of Haryana and others'**, wherein vide order dated 20.09.2017 the Apex Court had declined to interfere with the market value fixed High Court. The said appeals pertained to the notification dated 13.11.2002, which was issued for Sectors 3 and 5, Hisar, whereas in the present case the acquisition is for Sectors 1 and 4, Hisar and also for Sectors 3 and 5.

It is also submitted that another set of cases were also decided alongwith the said decision in the case of **Ram Avtar (supra)**. The said appeals pertained to the present notification and, thus, for all practical purposes reliance can be placed upon the same to fix the market value of the notification in question.

Resultantly, the present appeal is also disposed of by assessing the market value @ ₹1100.19 per square yard alongwith all statutory benefits.

The appeal stands allowed, accordingly.

MAY 15, 2019
Naveen/sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No