

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

**RFA No.5121 to 5123, 5210-2018 (O&M)
Decided on : 21.11.2019**

Ran Singh & others

... Appellants

Versus

State of Haryana & others

... Respondents

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

Present: Mr.S.P.Khatri, Advocate, for the appellants.

Mr.Shivendra Swaroop, AAG, Haryana.

Mr.Pritam Saini, Advocate, for respondent-HSIIDC.

G.S. Sandhawal, J. (Oral)

Applications for condonation of delay

Applications have been filed for condonation of delay of 3007-3010 in filing the appeals against the award of the Reference Court, Sonapat dated 24.02.2010. The reason given in the applications is that Government had given assurance that compensation would be enhanced. The enhancement was only done in one set of acquisition but not in the acquisition dated 27.08.2004. Reference has also been made to the earlier order passed by this Court regarding the lands of the other adjoining villages of Sonapat and the remand order passed by the Apex Court. It was further mentioned that RFAs regarding the notification in question dated 27.08.2004 are still pending.

Accordingly, keeping in view the above fact and the law laid down in the judgments of the Apex Court passed 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**

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others, 2014 (14) SCC 127 and in view of the averments made in the application, duly supported by affidavit, delay of 3007-3010 days in filing the present appeals is condoned. Condition is put that the appellants shall not be entitled for the benefit of interest for the said period on the enhanced compensation.

CMs stand disposed of.

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Reference Court, Sonapat had dismissed the reference petitions vide award dated 24.02.2010 and upheld the compensation awarded @ Rs.12.50 lakhs per acre. This Court, while dealing with the said award in HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II & others, decided on 05.07.2019, enhanced the market value to Rs.17 lakhs per acre for Village Abaspur, i.e., the village in question, for the notification dated 27.08.2004. Apart from that, 50% severance on the market value on account of statutory restrictions and on account of the Expressway cutting through the land had been granted, while dealing with the said notification and other connected notifications. Relevant portion of the judgment reads as under:

“189. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-

(i) For the first notification dated 13.08.2004, for the land falling in Villages Badh Malik and Pritampura, the market value would be Rs.21,00,000/- per acre. For Jatheri and Akbarpur Barota, Rs.19,00,000/-. For the lands of Villages **Abaspur** and Chattera Bahadur, acquired by second

notification dated 27.08.2004, the market value would work out to Rs.17,00,000/-. The landowners would also be entitled to 50% severance on the market value on account of the statutory restrictions imposed on the balance land and the expressway making the other portion of the land non-viable for cultivation on account of denial of access. However, the benefit of solatium and interest element under Section 23 (1-A) and Section 23(2) would not be payable on the amount of severance.

(ii) For the third notification dated 30.06.2005, for Villages Badh Malik, Pritampura and Rasoi, uniform compensation @ Rs.29,54,000/- per acre along with all statutory benefits, is granted.

(iii) For the fourth notification dated 16.11.2005, for Villages Rasoi, Rs.52,80,000/- per acre along with all statutory benefits, is granted.

(iv) For the fifth notification dated 17.11.2005, for the land falling upto the depth of 2 acres (440 feet) of the National Highway, market value is assessed @ Rs.38,50,000. For the other land falling in Villages Badh Khalsa, Firozepur Khadar, Asawarpur, Badh Malik and Patla, the market value is assessed @ Rs.35,00,000/- along with all statutory benefits. For Villages Jakholi, Sewli, Khewda and Bahalgarh, the market value is assessed @ Rs.31,50,000/- per acre along with all statutory benefits.

(v) For the sixth notification dated 28.03.2006, for Villages Jatheri, Rs.35,00,000/- per acre is granted along with all statutory benefits.

(vi) For the seventh notification dated 22.06.2006 for Villages Badh Malik, Pritampura, Jatheri, Liwan, Rai and Badh Khalsa, Rs.42,30,000/- per acre is granted upto the depth of 2 acres (440 feet) and for the balance land, market value is assessed @ Rs.40,50,000/- per acre, along with all statutory benefits.

(vii) For the eighth notification dated 05.03.2007, for Villages

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Badh Malik, Pritampura and Rasoi, the market value is assessed @ Rs.45,00,000/- per acre along with all statutory benefits.

(viii) Resultantly, the appeals alongwith cross-objections filed by both the landowners and the State are disposed of. In appeals where delay has been condoned conditionally, the benefit of interest on the enhanced compensation for the period of delay in filing the appeals shall not be granted to the landowners, as specified in the orders condoning the delay. All the pending civil miscellaneous applications also stand disposed of.

(ix) 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."

Accordingly, the present appeals are also disposed of, in the same terms.

NOVEMBER 21st, 2019
SAILESH

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No