

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-6804-CI-2019 in/and

RFA-897-2017

Date of decision: 06.09.2019

Dhanpati & others

....Appellants

Versus

State of Haryana & others

...Respondents

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

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

Ms.Vibha Tewari, AAG, Haryana.

Mr.Pritam Saini, Advocate, for HSIIDC.

G.S. SANDHAWALIA, J. (Oral)

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Application has been filed for disposal of the main appeal, in the light of the judgment passed in **RFA-4101-2008** titled *HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II & others*, decided on 05.07.2019.

A perusal of the file would go on to show that the case was disposed of on 04.05.2017, in terms of the judgment passed in **RFA-558-2014** titled *Raghubir Vs. State of Haryana & others*, decided on 03.11.2015 and a condition was put that landowners shall not be entitled for the benefit of interest on the enhanced compensation for 900 days, on account of delay in filing the appeal. It is not disputed that the main judgment in Raghubir (supra) was set aside and the matters had been remanded to this Court, for fresh decision.

This Court, in Rajesh Kumar-II (supra), has done the necessary exercise and fixed the market value, for the land acquired vide as many as 8 notifications. Resultantly, it is apparent that there is merit in the present application, as such, and the same is allowed. Order dated 04.05.2017 is recalled, the case is restored to its original number and the same is taken up today itself.

CM stands disposed of.

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Vide the impugned award of the Reference Court, Sonapat dated 31.05.2013, the amount awarded by the LAC, for the notification dated 05.03.2007, to the tune of Rs.16 lakhs, has been upheld.

This Court, while dealing with the said notification and also the award in question, lead case of which was LAC-481-2001 titled Dayawati Vs. State of Haryana, has assessed the market value @ Rs.45 lakhs. 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, Firozpur Khadar, Abaspur, 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 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 'HSIIDC Vs. Pran Sukh' (2010) 11 SCC 175, to ensure that the landowners are not fleeced by the middleman, which read as under:

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- (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.”

Resultantly, the present appeal is also allowed in the same terms.

It is, however, clarified that the benefit of interest on the enhanced compensation for the period of delay of 900 days shall not be paid to the landowners.

06.09.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No