

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

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**RFA No.3811 of 2019 (O&M)
Decided on : 27.11.2019**

Raj Singh

... Appellant

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Balram Prashar, Advocate
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The present appeal under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award of the Reference Court, Gurugram dated 11.10.2019 passed in the petition filed under Section 28-A (3) of the Act, wherein a sum of ₹12,10,70,693/- has been awarded as the market value for the land falling in village Shikhopur.

2. Vide notification dated 11.02.2010 issued under Section 4 of the Act followed by the notification dated 19.02.2010 issued under Section 6 of the Act, land measuring 39.02 acres had been acquired for the development and utilization of the same for Sector Roads of Sectors 81 to 95. The Land Acquisition Collector (for short 'LAC') had granted the compensation @ ₹60 lakhs per acre for all types of land. Other landowners had preferred petitions under Section 18 of the Act, wherein in lead case

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LA Case No.385 of 2012 'Mam Chand and others Vs. State of Haryana and others' decided on 21.12.2013, the above said sum was granted.

3. The present appellant filed petition under Section 28-A of the Act, claiming the same amount of compensation, which was dismissed on 31.12.2014 by the LAC, on the ground that the RFAs were pending before this Court at that point of time. Resultantly, the application was filed before the Reference Court under Section 28-A (3) of the Act, challenging the said order and claiming the market value as granted by the Reference Court, which has now been granted.

4. The error as such by the Reference Court is that in the meantime this Court in **RFA No.5316 of 2014 'Pushpender Kumar and others Vs. State of Haryana and another'** and other connected matters decided on 27.05.2016, had enhanced the market value to ₹16,89,35,120/- per acre. Thereafter, the matter was taken to the Apex Court by the State in **Civil Appeal Nos.11913-11945 of 2017 'State of Haryana and another Vs. Pushpender Kumar and others'** The same was decided on 05.09.2017 whereby the market value as such had been reduced to ₹14,35,94,852/- per acre by granting 15% cut on what had been awarded by this Court.

5. This fact was apparently not brought to the notice of the Reference Court, who had decided the matters two years later. The Reference Court though noticed the defence of the State that the matters were pending before this Court, but apparently did not elicit the

information from the State regarding the finality of the litigation.

6. It is a settled principle that under Section 28-A (3), landowners are entitled for the same amount of compensation as has been granted to the other landowners who have preferred petition under Section 18 and taken the matter to the Apex Court and got the amount quantified finally. In such circumstances, reliance can be placed upon the judgment of the Apex Court passed in '**Narendra and others Vs. State of Uttar Pradesh and others**' (2017) 9 SCC 426.

7. The law has been laid down in '**Bharatsingh Vs. The State of Maharashtra and others**', (2018) 11 SCC 92 that the Collector should await the order of the superior Courts and the application under Section 28-A of other landowners should be decided thereafter so that all landowners should get same amount of compensation.

8. In such circumstances, the impugned order passed by the Reference Court dated 11.10.2019 by restricting the amount of compensation as what had been granted by the Reference Court is not justifiable. Accordingly, the appeal is allowed and the appellant is held entitled for the compensation to the tune of ₹14,35,94,852/- per acre alongwith all statutory benefits, as the finality has come regarding the market value by the Apex Court.

9. 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:

- (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.

10. The appeal is, accordingly, allowed.

NOVEMBER 27, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No