

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

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**RFA No.8424 of 2018 (O&M) and
other connected appeals
Decided on : 20.12.2019**

Abhey Singh (deceased) through his L.Rs. and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Sidharth Goyal, Advocate,
Mr. Abhishek Yadav, Advocate,
Mr. B.K. Bagri, Advocate,
Mr. Sanjay Mittal, Advocate,
Mr. Akash Vashisth, Advocate and
Mr. Sanjay Vashisth, Advocate for the appellant (s).

Mr. Abhinash Jain, AAG, Haryana.

Mr. Sudeep Mahajan, Advocate
for the respondent-HSIIDC.

G.S. Sandhawalia, J. (Oral)

The present order shall dispose off 151 appeals i.e.

**RFA Nos.8424, 4739, 4765, 5182, 5179, 4626, 4741, 3998, 4753, 4154,
4754 , 4153, 4757, 4840, 4839, 3456, 4837, 4838, 4621, 4155, 4835,
4766, 4841, 4729, 6341, 4701, 4758, 3455, 3450, 4728, 5208, 4638, 4704,
6342, 4699, 4740, 3519, 4722, 8487, 4702, 4730, 4705, 3449, 4703, 4700,
5048, 4725, 4755, 4723, 4727, 4640, 5263, 4790, 4647, 4156, 4525, 4674,
4532, 4617, 4268, 4756, 4533, 4535, 4530, 4619, 4618, 4620, 4531, 6344,
4527, 4528, 4713, 4731, 3517, 3518, 4534, 4529, 4536, 8486, 4712, 4653,
4654, 4651, 4659, 4656, 4661, 4634, 13593, 5183, 4632, 5180, 6331, 4788,
5181, 5261, 4584, 4813, 8431, 13592, 4642, 13566, 4792, 5265, 5135,
4786, 4649, 4637, 4803, 4650, 4629, 4624, 5262, 4623, 4627, 4639, 4633,**

4631, 5264, 5264, 8419, 5178, 4635, 8413, 4636, 4622, 4628, 5260, 4785, 4625, 4811, 4064 of 2018 and RFA Nos. 1210, 1209, 1302, 2082, 1434, 1635 1786, 2060, 42, 1207, 2340, 2343, 2341, 2342, 1634, 744, 3023, 3026, 3064, 3513, 3630, 3656, 3658 and 3764 of 2019 filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act'), which are arise of the Award dated 07.05.2018 and 25.07.2018 passed by the Reference Court, Rewari.

The two notifications are in question i.e. 08.06.2007 and 31.10.2008 issued under Section 4 of the Act. The landowners are seeking further enhancement from the amount awarded by the Reference Court, which has enhanced the compensation from ₹16 lakhs per acre to ₹41,24,016/- per acre.

The appeals filed by the acquiring department/Corporation were allowed on 16.12.2019 in the lead case **RFA No.3146 of 2019 'Haryana State Industrial & Infrastructure Development Corporation Vs. Teshi and others'** and the matters have been remanded to the Reference Court for fresh decision. The relevant portion of the said order reads as under:-

“Resultantly, the market value of smaller pieces of land have been clubbed with the larger chunks and thus, averaging exercise also suffers from an illegality. Resultantly, this Court is of the opinion that the award dated 07.05.2018, on the face of it, suffers from patent illegality and cannot be sustained, in any manner.

This Court is aware that the matter is being remanded

for the second time but in the absence of any discussion of the sale exemplars in reference to the 1st notification and this Court being Court of First Appeal, does not have the benefit of a justified and valid reasoning. In the absence of the same, it would not be fair to both the sides to start appreciating the factual aspect, at the first instance. Accordingly, this Court has no option but to remand the matters.

Resultantly, the present appeals are allowed, order dated 07.05.2018 is set aside and the matters are remanded again to the Reference Court, Rewari, for fresh decision. Parties shall put in appearance before the District Judge, Rewari, on 15.01.2020. It is expected that both the notifications shall be decided together and be heard by the appropriate Court and disposed of, by keeping in mind the observations made above. Counsel for the landowners shall be given opportunity to lead additional evidence, if required, as per the provisions of Code of Civil Procedure, since sale deeds of all villages may not be readily available.

Appeals stand allowed in the above-said terms. Pending misc. applications, if any, also stand disposed of. Office shall take steps to list the landowners' appeals which stand admitted, so that appropriate orders can be passed in them.”

Keeping in view the above, since the principal Award in question dated 07.05.2018 has been set aside, the present appeals have been rendered infructuous. Accordingly, the same are disposed off in the same terms, as **Teshi (supra)**. All the pending civil miscellaneous applications, if any, also stand disposed off.

DECEMBER 20, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No