

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

**RFA No.6297 of 2018 (O&M) and
connected cases**

Date of Decision:20.12.2019

Nawal Singh (deceased) through his LR's and othersAppellant(s)

Versus

State of Haryana and othersRespondent(s)

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

Present: Mr. Abhishek Yadav, Advocate
for the landowners.

Mr. Abhinash Jain, AAG, Haryana.

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

G.S. SANDHAWALIA, J. (Oral)

The present order shall dispose off appeals bearing RFA Nos.2474, 2617, 3023, 3025, 3026, 3064, 6297, 6298, 6343 of 2018 and RFA No.532 of 2019 filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act'), which arise of the Awards dated 07.05.2018 and 25.07.2018 passed by the Reference Court, Rewari.

CM-12462-CI-2018 in RFA-6297-2018

Application has been filed for bringing on record the legal heirs of deceased-appellant No.1 Nawal Singh. It is stated that the said appellant had expired leaving behind his legal heirs as mentioned in para No.2 of the application, who are stated to be the only legal heirs of deceased appellant. It is further stated that there are no other legal heirs of the deceased appellant except ones mentioned in para No.2 of the application.

Accordingly, in view of the averments made in the application,

duly supported by affidavit of Ved Parkash son of Krishan Lal, same is allowed subject to all just exceptions. Legal heirs as mentioned in para No.2 of the application are brought on record and permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

Main case

In ***RFA No.3146 of 2019 'Haryana State Industrial & Infrastructure Development Corporation Vs. Teshi and others'*** the Award dated 07.05.2018 has been set aside and the matters have been remanded by observing 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.”

Resultantly, the office has listed the appeals in view of the directions. The hearing is accordingly preponed in all the appeals arising out of the notifications dated 08.06.2007 and 31.10.2008 qua the Awards dated 07.05.2018 and all subsequent Awards which have followed the said award in principle, which is titled as **LAC-161-2011 'Babu Lal and others Vs. State of Haryana and others'**.

Accordingly, keeping in view the above present appeals having been rendered infructuous are disposed off in the same terms, as **Teshi (supra)**. All the pending civil miscellaneous applications, if any, also stand disposed off.

20.12.2019

Parveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No