

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

RFA No. 527 of 2019 (O & M)

Date of decision: 14.02.2020

Chand Singh (D) through L.Rs. and others

....Appellant(s)

Versus

State of Haryana and another

...Respondent(s)

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

Present: Mr. Chanderhas Yadav, Advocate, for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 1188-CI of 2019

The present application has been filed for bringing on record legal representatives of deceased-appellant no. 1(i) namely Ramphal, who is stated to have died on 23.03.2018. The details of legal representatives have been mentioned in para no. 2 of the application. The application is supported by affidavit of Nirmala Devi, widow of deceased-appellant no. 1(i).

Accordingly, the application is allowed. Persons mentioned in para no. 2 of the application are allowed to be brought on record as legal representatives of deceased-appellant no. 1(i) only for the purpose of pursuing the present appeal. The present order shall not ensure any benefit in any other set of proceedings.

RFA No. 527 of 2019

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 is directed against the award of the Reference Court, Jhajjar dated 22.12.2014 wherein, the market value of the

land which was acquired vide notification dated 17.04.2002 was fixed at Rs.11,31,000/- per acre on the basis of the judgment passed in ***LAC No. 653 of 2010, Sarita Devi and others vs. State of Haryana and others*** (Ex.P-1).

Counsel for the appellants has fairly pointed out that the said assessment was for village Bahadurgarh vide the award dated 18.02.2014. It is pointed out that in ***RFA No. 1626 of 2011, Puran Chand Wadhwa (D) through L.Rs. vs. LAC and another*** decided on 31.08.2015, the Co-ordinate Bench had fixed the market value at Rs.10,00,000/- for village Balour whereas for Bahadurgarh, sum of Rs.13,00,000/- has been granted. It is further pointed out that in ***Civil Appeal No. 19354 of 2017, Rajender Singh and others vs. State of Haryana***, decided on 17.11.2017, the Apex Court has enhanced the market value to Rs.15,00,000/- for village Balour alongwith other villages whereas, Bahadurgarh got Rs.20,00,000/- per acre. The relevant portion of the order of the Apex Court reads thus:-

“In the peculiar facts and circumstances of the cases, and considering the aforesaid evidence making deduction for development, it would be appropriate to award compensation of Rs.15,00,000/- per acre for other villages i.e. Bir Barkatbad, Balore and Sarai Aurangabad alongwith statutory benefits. Thus we enhance the compensation for Bahadurgarh from Rs.13,00,000/- per acre to Rs.20,00,000/- per acre and for other villages i.e. Bir Barkatbad , Balore and Sarai Aurangabad from Rs.10,00,000/- per acre to Rs.15,00,000/- per acre.

Appeals are allowed to the aforesaid extent. Payment be made as expeditiously as possible preferably within six months.”

Accordingly, the present appeal is also disposed of in the same

terms. It is, however, made clear that the Executing Court shall take this factor into account while finalizing the payment which is to be released to the land owners that their entitlement is for the land falling in village Balour and the amount of compensation as assessed by the Apex Court and not as has been granted by the Reference Court.

14.02.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

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