

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

**CM-330-331-CI-2020 in/and
RFA No.3420 of 2002
Decided on : 17.02.2020**

Sher Singh (deceased) th LRs & others

... Appellants

Versus

State of Haryana & others

... Respondents

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

Present: Mr.Ravinder Malik, Advocate, for the applicant/appellants.

Ms.Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral) :-

Applications have been filed for disposal in terms of the judgment dated 18.12.2019 passed in **RFA-2517-2011** titled *Indian Oil Corporation Ltd. Vs. Khan Chand Bajaj (deceased) th LRs & another (III)*.

On an earlier occasion, the matter was decided on 26.02.2016, in terms of judgment passed in **RFA-3012-2003** titled *Angrejo Devi & others Vs. State of Haryana & others*. The Apex Court had set aside the main judgment in CA-7466-2018 titled *R.N.Kundu Advocate Vs. State of Haryana & another*, on 31.07.2018 and remanded the matter to this Court, for fresh decision. This Court, in **Khan Chand Bajaj** (supra), redecided the matter on 18.12.2019. Resultantly, for the land falling in Villages Baroli and Ali Asgarpur, which had been acquired vide notification dated 25.05.1993, Rs.3 lakhs per acre has been fixed as market value along with additional amount of 20% of the market value on account of severance due to the construction of the road. Relevant portion of the judgment reads as under:

“136. Relief

(i)

(ii) For the second notification dated 13/25.05.1993, the appeals of the landowners are allowed and the market value is assessed as under:-

Village	Market value (per acre alongwith all statutory benefits)
Ali Asgarpur, Baroli	Rs.3,00,000/-
Rajapur	Rs.2,80,000/-
Begumpur	Rs.2,60,000/-
Dadlana	Rs.2,40,000/-

An additional amount of 20% of the market value is also granted on account of severance charge, on account of the land having been bifurcated due to construction of the road. However, it is made clear that on the amount of severance the landowners would not be entitled for the benefits of Section 23 (1A) and Section 23 (2) as it is not the market value as such and in view of the law laid down by the Apex Court passed in Amarjit Singh (supra).”

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

February 17th, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

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