

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

C.M. Nos. 10878-CI and 10874-CI of 2019 in/and
RFA Nos. 1797 of 2009 and 4728 of 2011
Date of decision: 12.03.2020

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

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. S.P. Khatri, Advocate,
for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Dinesh Saini, Advocate,
for Mr. Pritam Singh Saini, Advocate,
for HSIIDC.

G.S.SANDHAWALIA, J. (Oral)

The present judgment shall dispose of two appeals i.e. RFA Nos. 1797 of 2009 and 4728 of 2011 as common questions of facts are involved in both the appeals. Reference is being made to ***RFA No. 1797 of 2009, Chandan Singh (D) through L.Rs. and others vs. State of Haryana and others.***

It is pertinent to mention that earlier the appeals were decided on 03.11.2015 in terms of the earlier decision dated 03.11.2015 passed in RFA No. 4101 of 2008, HSIDC vs. Rajesh Kumar and others. On remand, the matters have been re-decided, as noticed above and, therefore, the said order stands recalled.

The present appeal filed under Section 54 of the Land

Acquisition Act, 1894 (in short 'the Act') is directed against the awards of the Reference Court, Sonapat dated 18.01.2008 and 04.05.2011 whereby for land falling in villages Badh Malik and Pritampura which was acquired pertaining to the notification dated 13.08.2004 market value was fixed. Resultantly, C.M. Nos. 10878-CI and 10874-CI of 2019 have been filed for disposal of the present appeals in terms of the judgment in ***RFA No. 4101 of 2008, HSIDC vs. Rajesh Kumar (II) and others*** decided on 05.07.2019. Vide the said judgment, the market value for the acquired land of two villages in question was assessed at Rs.21,00,000/- per acre. The relevant portion reads thus:-

“189. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-

*(i) For the first notification dated 13.08.2004, for the land falling in Villages **Badh Malik and Pritampura**, the market value would be Rs.21,00,000/- per acre. For Jatheri and Akbarpur Barota, Rs.19,00,000/-. For the lands of Villages Abaspur and Chattera Bahadur, acquired by second notification dated 27.08.2004, the market value would work out to Rs.17,00,000/-. The landowners would also be entitled to 50% severance on the market value on account of the statutory restrictions imposed on the balance land and the expressway making the other portion of the land non-viable for cultivation on account of denial of access. However, the benefit of solatium and interest element under Section 23(1-A) and Section 23(2) would not be payable on the amount of severance.*

xxx

xxx

xxx

(ix) The State shall also comply with the directions laid down by the Apex Court in 'HSI IDC 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.”

Accordingly, the applications are allowed and the present appeals are also disposed of in the same terms as in *Rajesh Kumar (II) case (supra)*.

12.03.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No