

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

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**CM-781-CI-2020 in/and
RFA No.5198 of 2012
Decided on : 03.02.2020**

Smt. Roshni and others

... Applicant/Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Shilak Ram Hooda, Advocate
for the applicant/appellants.

G.S. Sandhawalia, J. (Oral)

CM-781-CI-2020

The present application has been filed for recalling of the order dated 03.11.2015 whereby the appeal was disposed off in terms of the judgment passed in **RFA No.5360 of 2011 'Kehar Singh Vs. State of Haryana and others'** and for disposing of the same in terms of judgment dated 05.07.2019 passed in **RFA No.4101 of 2008 'HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II and others'**.

Notice in the application.

Ms. Vibha Tewari, AAG, Haryana accepts notice on behalf of the respondents/State.

It is a matter of record that regarding the notification dated 17.11.2005 which is the relevant notification in the present case, the Apex Court in **SLP (C)-33232-33233-2017 Civil Appeal No.471-472 of 2018**

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titled '**Mange (deceased) through LRs Vs. State of Haryana & others**' had allowed the appeals on 12.01.2018 by setting aside the judgment passed in **Kehar Singh (supra)**, in terms of order dated 28.11.2017 passed in **Civil Appeal No.20050/2017 'Rajbir & Ors. Vs. State of Haryana & Ors'** and matters had been remanded to this Court for decision afresh.

In such circumstances, once the basic judgment in the case of **Kehar Singh (supra)** had been set aside by the Apex Court and the matters have been re-decided, the application is allowed. The order dated 03.11.2015 is re-called in the facts and circumstances of the case. The main appeal is taken on board today itself.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 is directed against the Award dated 31.03.2012 passed by the Reference Court, Sonapat, for the land falling in village Sewli which was acquired vide notification dated 17.11.2005.

This Court in **Rajesh Kumar-II (supra)** has re-decided the issue. The above said Award dated 31.03.2012 was also dealt with in **Rajesh Kumar-II (supra)** pertaining to village Sewli and the market value had been assessed as under:-

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

XXXXXXXXXXXXXXXXXXXXXXX

(iv) For the fifth notification dated 17.11.2005, for the land falling upto the depth of 2 acres (440 feet) of the National Highway, market value is assessed @ Rs.38,50,000. For the other land falling in Villages Badh Khalsa, Firozpur Khadar, Abaspur, Badh Malik and Patla, the market value is assessed @ Rs.35,00,000/- along with all statutory benefits. For Villages Jakholi, Sewli, Khewda and Bahalgarh, the market value is assessed @ Rs.31,50,000/- per acre along with all statutory benefits.

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(viii) Resultantly, the appeals alongwith cross-objections filed by both the landowners and the State are disposed of. In appeals where delay has been condoned conditionally, the benefit of interest on the enhanced compensation for the period of delay in filing the appeals shall not be granted to the landowners, as specified in the orders condoning the delay. All the pending civil miscellaneous applications also stand disposed of.

(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.”

Resultantly, the present appeal is also disposed of in the
abovesaid terms.

FEBRUARY 03, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

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