

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

C.M. No. 11194-CI of 2019 in/and
RFA No. 1669 of 2013
Date of decision: 21.01.2020

Om Prakash and another

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Yashdeep Nain, Advocate,
for Mr.Ajit Singh Lamba, Advocate,
for the appellants.

Ms. Vibha Tewari, AAG, Haryana.
G.S.SANDHAWALIA, J. (Oral)

C.M. No. 11194-CI of 2019

Application has been filed for deciding the main appeal in terms of the judgment dated 05.07.2019 passed in ***RFA No. 4101 of 2008, HSIDC vs. Rajesh Kumar-II and others.***

Initially, the case was decided on 03.11.2015 in terms of order passed in ***RFA No. 7958 of 2011, Sultan Singh vs. State of Haryana and others.***

It is not disputed that the judgment was set aside on 28.11.2017 by the Apex Court in ***Civil Appeal No. 20050 of 2017, Rajbir and others vs. State of Haryana and others*** and the matters were remanded for fresh decision. It is in such circumstances the said order does not survive and the application filed is liable to be allowed.

Accordingly, the application is allowed and the order dated

03.11.2015 is recalled.

Main case is taken on Board being covered by ***RFA No. 4101 of 2008, HSIDC vs. Rajesh Kumar-II and others.***

RFA No. 1669 of 2013

Counsel submits that the land is covered by notification dated 22.06.2006 and the appeal arises out of the award of the Reference Court, Sonapat dated 15.10.2012 whereby, Rs.36,00,000/- per acre was awarded by the Reference Court. In ***RFA No. 4101 of 2008, HSIDC vs. Rajesh Kumar-II and others***, this Court dealt with the said order dated 15.10.2012 and has accordingly fixed the market value for the notification dated 22.06.2006 for the villages in question as under:-

“(vi) For the seventh notification dated 22.06.2006 for Villages Badh Malik, Pritampura, Jatheri, Liwan, Rai and Badh Khalsa, Rs.42,30,000/- per acre is granted upto the depth of 2 acres (440 feet) and for the balance land, market value is assessed @ Rs.40,50,000/- per acre, along with all statutory benefits.

xxx

xxx

xxx

(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.”

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

terms.

21.01.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No