

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

C.M. No. 10879-CI of 2019 in/and
RFA No. 786 of 2012
Date of decision: 24.02.2020

Suraj Bhan (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 applicant-appellants.

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

C.M. No. 10879-CI of 2019

The application has been filed for disposal of the main case in light of the judgment passed by this Court in ***RFA No. 4101 of 2008, HSIIDC vs. Rajesh Kumar (II) and others*** decided on 05.07.2019. It is submitted that on an earlier occasion, the case was disposed of vide order dated 03.11.2015 in terms of order passed in RFA No. 5360 of 2011, Kehar Singh vs. State of Haryana and others.

It is not disputed that the judgment was set aside by the Apex Court by various orders including Civil Appeal No. 471-472 of 2018 Mange (D) through L.Rs. vs. State of Haryana and others in appeals filed by other land owners, which have now been re-decided, as noticed above.

Accordingly, the application is allowed.

Order dated 03.11.2015 is recalled and the main appeal is taken up for hearing today itself.

RFA No. 786 of 2012

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (in short 'the Act') is directed against the award of the Reference Court, Sonapat dated 01.10.2008 pertaining to the notification dated 17.11.2005 and for the land acquired falling in village Asawarpur as per the Memo of Parties. The award of the Reference Court was passed in a petition filed under Sections 18 and 30 of the Act on 01.10.2008 whereby, the Reference Court had granted the benefit to the appellants to inherit the share of the ancestors as they were shown as co-sharers in the land in question. However, the benefit of enhancement was declined under Section 18 of the Act.

For the notification dated 17.11.2005, this Court has fixed the market value at Rs.38,50,000/- per acre upto the depth of 2 acres (440 feet) of the National Highway whereas, for the land beyond that distance, the market value has been assessed at Rs.35,00,000/- per acre. The relevant portion reads thus:-

*“(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, **Asawarpur**, 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.*

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.”

It is further pointed out that the Gram Panchayat was ex parte before the Reference Court and has not chosen to file any appeal against the said findings under Section 30 of the Act in favour of the appellants.

Accordingly, the present appeal is also disposed of in terms of *Rajesh Kumar (II) case (supra)* by enhancing the market value as above.

24.02.2020
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No