

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

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**RFA No.4219 of 2019 (O&M)
Decided on : 18.02.2020**

Chhaju Ram (deceased) through L.Rs. and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. B.K. Bagri, Advocate,
for the appellant (s).

G.S. Sandhawalia, J. (Oral)

Present appeal under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act'), has been filed by the legal heirs of the deceased Chhaju Ram against the Award dated 07.05.2018 passed by the Reference Court, Rewari qua the notification dated 31.10.2008 issued under Section 4 of the Act.

Vide order dated 20.12.2019 passed in **RFA No.8424 of 2018 'Abhey Singh (deceased) through his L.Rs. and others Vs. State of Haryana and others'** and other connected appeals, it was noticed that on an earlier occasion the principal Award dated 07.05.2018 had been set aside at the instance of the acquiring department-Corporation and, therefore, the appeals of the landowners were disposed off as infructuous. The relevant portion of the said order reads as under:-

“The two notifications are in question i.e. 08.06.2007 and 31.10.2008 issued under Section 4 of the Act. The landowners are seeking further enhancement from the amount awarded by the Reference Court, which has enhanced the compensation from ₹16 lakhs per acre to ₹41,24,016/- per acre.

The appeals filed by the acquiring department/Corporation

were allowed on 16.12.2019 in the lead case **RFA No.3146 of 2019 'Haryana State Industrial & Infrastructure Development Corporation Vs. Teshi and others'** and the matters have been remanded to the Reference Court for fresh decision. The relevant portion of the said order reads as under:-

“Resultantly, the market value of smaller pieces of land have been clubbed with the larger chunks and thus, averaging exercise also suffers from an illegality. Resultantly, this Court is of the opinion that the award dated 07.05.2018, on the face of it, suffers from patent illegality and cannot be sustained, in any manner.

This Court is aware that the matter is being remanded for the second time but in the absence of any discussion of the sale exemplars in reference to the 1st notification and this Court being Court of First Appeal, does not have the benefit of a justified and valid reasoning. In the absence of the same, it would not be fair to both the sides to start appreciating the factual aspect, at the first instance. Accordingly, this Court has no option but to remand the matters.

Resultantly, the present appeals are allowed, order dated 07.05.2018 is set aside and the matters are remanded again to the Reference Court, Rewari, for fresh decision. Parties shall put in appearance before the District Judge, Rewari, on 15.01.2020. It is expected that both the notifications shall be decided together and be heard by the appropriate Court and disposed of, by keeping in mind the observations made above. Counsel for the landowners shall be given opportunity to lead additional evidence, if required, as per the provisions of Code of Civil Procedure, since sale deeds of all villages may not be readily available.

Appeals stand allowed in the above-said terms. Pending misc. applications, if any, also stand disposed of. Office shall take steps to list the landowners' appeals which

stand admitted, so that appropriate orders can be passed in them.”

Keeping in view the above, since the principal Award in question dated 07.05.2018 has been set aside, the present appeals have been rendered infructuous. Accordingly, the same are disposed off in the same terms, as **Teshi (supra)**. All the pending civil miscellaneous applications, if any, also stand disposed off.”

In such circumstances, the present appeal is also disposed of in the above said terms, without passing any order on the rights of the legal heirs, as it is always open to the applicants to file appropriate applications in the pending references before the Reference Court.

FEBRUARY 18, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

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