

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

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**CM-7552-CI-2019 in/and
RFA No.486 of 2016
Decided on : 06.02.2020**

Asha Rani Goyal

... Applicant/ Appellant

Versus

State of Haryana and others

... Respondents

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

Present: Ms.Jyotika Panesar, Advocate, for the applicant/appellant.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Amit Gupta, Advocate for respondent No.4.

G.S. Sandhawalia, J. (Oral)

CM-7552-CI-2019

Application has been filed for disposal in terms of judgment dated 31.05.2019 passed in **RFA No.7108 of 2012 'Ram Pal and others (II) Vs. Land Acquisition Collector and another'** (Annexure A-1).

Mr. Amit Gupta, Advocate has put in appearance on behalf of respondent No.4.

It is not disputed that on an earlier occasion the matter was disposed off in terms of judgment dated 16.09.2015 passed in **RFA No.7108 of 2012 'Rampal and others Vs. Land Acquisition Collector and others'**. The Apex Court had remanded the matters to this Court, vide order dated 06.12.2017 passed in **Civil Appeal No (s).21014-21016 of 2017 'Premwati & others Vs. State of Haryana and another'**. Thereafter, the matter has been re-decided by this Court in **Ram Pal (II) (supra)**.

Accordingly, the application is allowed. The order dated

16.12.2016 is recalled. The appeal is taken up on board today itself.

CM stands disposed of.

Main appeal

It is pointed out that respondents No.5 to 7 were *ex parte* before the Reference Court when the matter was decided on 03.09.2015. The appellants being the lessee has been held entitled to receive 3/4th share of compensation, whereas respondents No.4 to 7 have been held entitled for 1/4th share. It is further pointed out that a finding has been recorded that the original lessee was Kishan Singh whose sons and wife sold lease rights in favour of the petitioner after his death. The half share is owned by respondents No.5 to 7, whereas the balance half share was owned by respondent No.4. It is submitted that the market value has been fixed @ ₹2900/- per square yard for the notification dated 14.08.2008 for the land falling in village Baselwa, in view of the earlier Award passed in **LAC No.245 of 2011 'Kishan and others Vs. State of Haryana and another'** decided on 05.03.2015 (Ex.P5). It is further submitted that the parties are happy with the arrangement as such as worked out by the Reference Court and the present appeal has been filed only for enhancing the amount as per the proportion already fixed.

It is pointed out that in **Rampal (II) (supra)**, the Award dated 05.03.2015 as such was also subject matter of consideration. The market value has been assessed @ ₹3300/- per square yard (₹1,59,72,000/- per acre) for the land of village Baselwa within the limits of municipal council and ₹2970/- per square yard (₹1,43,74,800/- per acre) for the other

land of the said village. The relevant portion of the said judgment reads as under:-

“Relief

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

XXXXXXXXXXXXXXXXXXXX

(iii) For the third notification dated 14.08.2008, the market value is fixed @ Rs.3300/- per square yard (Rs.1,59,72,000/- per square yard) for the land falling within the limits of Municipal Corporation, Faridabad of villages Budhena, Baselwa and Mawai. For the other land of the said villages, the market value is fixed @ Rs.2970/- per square yard (Rs.1,43,74,800/- per acre).

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200. 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.

201. 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, appeal stands disposed of in the above said terms. Parties shall be bound by the proportion as ordered by the Reference Court.

FEBRUARY 06, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

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