

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

202

RFA No.4033 of 2017 (O&M)

Date of Decision:03.03.2020

Pritam Singh (deceased) through his LRs and anotherAppellants

Versus

State of Haryana and others ...Respondents

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

Present: Mr. Adish Gupta, Advocate for the appellants.

Ms. Vibha Tiwari, AAG, Haryana.

Mr. R.B. Gupta, Advocate for respondent No.10.

G.S. SANDHAWALIA, J. (ORAL)

The present appeal has been filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') against the award dated 21.09.2016 passed by the Reference Court, Faridabad in a petition filed under Section 18 read with Section 30 of the Act.

Counsel for respondent No.10 has pointed out that appellants herein were petitioner Nos.4 and 5 before the Reference Court and had withdrawn the reference petition, therefore, appeal as such is not maintainable. Relevant portion of the order of the Reference Court reads as under:

“Petitioners Chatar Singh and Kartar Singh etc. along with their counsel for petitioners no.4 to 7 also made a statement that they will file execution in reference petition titled Suresh and others Vs. State of Haryana to claim their shares being proprietors in Shamlat Patti Bichpariya. They further stated that they do not want to proceed with the present reference petition and withdraw the same.

In view of the above statement made by petitioners and their

counsel, the present reference petition is dismissed as withdrawn. It is made clear that the parties to the present reference petition shall also be entitled to claim compensation in terms of award announced in LAC no.1183 dated 17.09.2011 titled Suresh and others Versus State of Haryana in which it has been held that the tenants are entitled to 75% share out of the compensation while proprietors of Shamlat Patti Bichpariya are entitled to remaining 25% share. File be consigned to the record room.”

Counsels have also clarified that market value @ Rs.1230/- per square yard along with other statutory benefits as awarded by this Court in RFA No. 2075 of 2012 titled as **Sohan Lal and another Vs. The State of Haryana and others,** has also been upheld by the Apex Court.

In such circumstances, counsel for the appellants is not able to explain as to how the appeal would be maintainable once the reference itself has been dismissed as withdrawn.

Resultantly, appeal is dismissed along with all miscellaneous applications including application for condonation of delay.

03.03.2020

pvd

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

(G.S. SANDHAWALIA)
JUDGE