

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

104+206

**RFA No.794 of 2018 (O&M)
Decided on : 12.02.2020**

Rohtash (deceased) th LRs & others

... Appellants

Versus

State of Haryana & others

... Respondents

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

Present: Mr.Rakesh Dhiman, Advocate, for the appellants.

Ms.Vibha Tewari, AAG, Haryana.

Mr.Dinesh Saini, Advocate, for
Mr.Pritam Saini, Advocate, for HSIIDC.

G.S. Sandhawalia, J. (Oral) :-

CM-2030-CI-2018

Application for condonation of delay of 844 days in refiling the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit and in view of the nominal delay. Delay of 844 days in refiling the appeal, is hereby condoned.

CM stands disposed of.

CM-2029-CI-2019

Application for condonation of delay of 21 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit and in view of the nominal delay. Delay of 21 days in filing the appeal, is hereby condoned.

CM stands disposed of.

CM-1007-CI-2020

Application has been filed under Order 22 Rule 10 CPC read with Section 151 CPC, for leave to continue proceedings on behalf of the

RFA No.794-2018 (O&M)

performa respondents No.4 & 5 on account of assignment/devolution of their share in favour of the appellant.

It has been averred in the application that respondents No.4 & 5 are the daughters of Chiranji whereas appellants No.3 & 4 are sons of Chiranji and the said respondents have given the land to them in a family settlement and the compromise is appended as Annexure A-1.

Accordingly, the present application is disposed of with liberty to seek their claim before the Executing Court in order to ensure that the land which is subject matter of compromise is the same which has been acquired.

RFA-794-2018

Present appeal, filed under Section 54 of the Land Acquisition Act, 1894 against the award dated 22.12.2011, passed by the Reference Court, Gurugram, for the notification dated 22.02.2002 whereby for the land acquired for various villages including Hayatpur, the market value was enhanced to Rs.26,52,819/- per acre along with 20% severance charges. The same was subject matter of consideration in **RFA-751-2012** titled *Gopi Ram Yadav & others Vs. State of Haryana & others*, decided on 04.02.2016. Resultantly, the market value has further been enhanced to Rs.32,27,200/- per acre, while maintaining the 20% severance. Relevant portion of the judgment reads as under:

“The appeals and cross-objections filed by the land owners deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The land owners are held entitled to receive the compensation at the rate of Rs.32,27,200/- per acre and also the 20% thereof on account

of damages for severance, from the date of notification under Section 4 of the Act. Besides this, the land owners shall be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.

Resultantly, with the observations made above, all these 230 appeals and cross-objections stand disposed of, in the abovesaid terms, however, with no order as to costs.”

It has been pointed out that in **CA-12981-2017** titled *Asha Gupta & others Vs. Haryana State & others*, decided on 12.09.2017, the said assessment of market value has been upheld and the appeals filed by the landowners and the State had been dismissed.

Accordingly, the present appeal is also allowed, in the above-said terms.

February 12th, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

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