

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

103+104

CM-1272-CI-2021 in/and
RFA No.1503 of 2015
Date of decision: 10.08.2021

MADAN LAL

...Appellant

Versus

STATE OF HARYANA & ORS

...Respondents
CM-1273-CI-2021 in/and
RFA No.695 of 2014

GUNWANTI AND ORS.

..Appellants

Versus

STATE OF HARYANA & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Navneet Singh, Advocate for the applicants/appellants.
Mr. Pritam S. Saini, Advocate for HSIIDC.
Mr. Samarth Sagar, Addl. AG, Haryana.

ANIL KSHETARPAL, J

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The appellant was the owner of the land which was the subject matter of acquisition. On a reference sought under Section 18 of the Land Acquisition Act, 1894, the District Court redetermined the compensation. A large number of appeals were filed in the High Court against the judgment of the District Court deciding a bunch of references. The appellants' appeal was disposed of vide a judgment dated 03.11.2015, in terms of the judgment passed in RFA No.7958 of 2011 (**Sultan Singh vs. State of Haryana and**

and connected case

ors.). Both the parties i.e. the State of Haryana as well as the owners preferred appeals before the Hon'ble Supreme Court which were allowed resulting in setting aside the main judgment of the High Court. The matter was sent back to the High Court for redetermination.

The appellant prays that since this appeal was heard and disposed of in terms of judgment dated 03.11.2015 which stands set aside by Hon'ble the Supreme Court, therefore, this appeal should be re-decided in terms of the subsequent judgment dated 05.07.2019 in RFA No.4101 of 2008.

Mr. Pritam S. Saini, Advocate, appearing for HSIIDC submits that against the judgment passed on 05.07.2019, a SLP is pending before the Hon'ble Supreme Court.

A Co-ordinate Bench on 29.10.2019 in **Inderjit Singh and ors. Vs. State of Haryana and ors.**, CM No.9269-CI-2019 in/and RFA No.694 of 2014 has held that in such a situation, the Court is required to re-decide the matter.

Hence, the applications are allowed and the main cases are taken on board today itself for final disposal.

Main Cases

Learned counsel representing the respective parties are 'ad-idem' that the notification under Section 4 of the Land Acquisition Act, 1894; the

and connected case

award passed by the Land Acquisition Collector under Section 11 of the 1894

Act and the judgment of the District Court while deciding reference under

Section 18 of the 1894 Act are common. Learned counsels representing the

parties have failed to draw the attention of the Court to any additional

material. However, learned counsel representing the respondents submits,

again, that the matter is pending before the Hon'ble Supreme Court.

Be that as it may, the matter is squarely covered by the decision

passed in RFA No.4101 of 2008 (**HSI IDC vs. Rajesh Kumar II and others**)

on 05.07.2019.

Hence, the present appeals are allowed in the same terms.

10.08.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE