

In the High Court of Punjab and Haryana, at Chandigarh

Regular First Appeal No. 2287 of 2021

Reserved On: 07.05.2022
Pronounced On: 11.07.2022

Braham Parkash and Another
... Appellant(s)

Versus

State of Haryana and Others
... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Himanshu Sharma, Advocate
for the appellants.

Mr. Shivendra Swaroop, Assistant Advocate General,
and Ms. Vibha Tewari, Assistant Advocate General,
Haryana, for the respondent No.1 and 2.

Mr. Pritam Singh Saini, Advocate
for the respondent No.3 and 4.

Anil Kshetarpal, J.

1. While challenging the assessment of the market value of the acquired land, the landowners have come up in appeal with a prayer to modify the judgment passed by the Reference Court.
2. The relevant particulars, for the purpose of decision of the present case, are as under:-

S.NO.	TITLE	DETAILS
1.	Date of Notification under Section 4 of the 1894 Act.	29.09.2005
2.	Date of Notification under Section 6 of the 1894 Act.	15.12.2005
3.	Purpose of Acquisition.	For construction of Express Highway connecting NH-1, 10, 8 and 2.
4.	Location, area and nature of	Proposing to acquire the land

S.NO.	TITLE	DETAILS
	the acquired land	measuring 320 kanals and 7 marlas of land located in village Padheni , Tehsil and District Mewat (Nuh)
5.	Number and Date of the Award of the Land Acquisition Collector.	No.19 dated 02.11.2006.
6.	Amount assessed by the Land Acquisition Collector.	₹12,50,000/- per acre along with all the statutory benefits.
7.	Amount determined by the Reference Court.	The RC, in the first round, dismissed the applications under Section 18 of the 1894 Act, on 31.01.2019. However, the High Court, in <i>Om Parkash v. State of Haryana and Others (Regular First Appeal No. 3552 of 2010)</i> , vide judgment dated 31.01.2019 remitted back the matter to the RC for fresh decision.
8.	Date of re-decision of the RC and the amount re-assessed, after remand.	Vide judgment dated 02.03.2020, the RC has re-assessed the market value of the acquired land @ ₹17,50,000/- per acre along with all the statutory benefits while declaring that the compensation for severance of the land for the landowners who are left with less than 1 acre of land shall be 50% of the market value of the acquired land.

3. On a perusal of the judgment passed by the Reference Court, it is evident that the appellants’ case was decided by a common judgment along with that of ***Haryana State Industrial and Infrastructure Development Corporation Limited v. Ram Jiwan (Deceased) through his Legal Heirs and Others (Regular First Appeal No. 160 of 2021, decided on 08.07.2022)***. The evidence was led in the lead case i.e. ***Pyare Lal v. State of Haryana (Reference/LA Case No. 36 of 2008)***. The appellants did not lead any separate evidence.

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4. In view of the aforesaid facts, since the quantum of the market value has already been assessed on appreciation of the same evidence, hence, the present appeal is disposed of in terms of the judgment passed in *Ram Jiwan's case (supra)*.

(Anil Kshetarpal)
Judge

July 11, 2022
"DK"

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No