

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

153

RFA-1107-2022 (O&M) and
other connected cases
Date of decision: 13.12.2022

MOHD. SAHOOD (DECEASED) THROUGH HIS LRS
AND ORS.

..Appellants

Versus

FINANCIAL COMMISSIONER AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate
Mr. Ram Singh Chaudhary, Advocate
for Mr. Mazlish Khan, Advocate
Mr. R.N. Lohan, Advocate
for the landowners.

Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

This order shall dispose of a bunch of appeals (details whereof
are at the foot of the order).

On 07.12.2022, the following order was passed:-

“It has been noticed that in these appeals, the Land Acquisition Collector vide award No.1, dated 30.01.2015 acquired 107.2 acres of land. As many as 76 reference petitions were brought before this Court for decision in accordance with the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the '2013 Act'). It appears that the Reference Court has neither assessed the compensation in accordance with Section 26 of the 2013 Act in view of Section 24(1)(A) of the 2013 Act nor the RC applied the schedule attached to the 2013 Act while determining such amount. There is a marked difference in the manner of assessment of the market value of the acquired land under the Land Acquisition Act, 1894 and the 2013 Act. Hence, the cases may be required to be remitted back to the Reference Court for deciding the matter afresh. As per the office note, there are as many as 51 cases pending before the Court, the learned counsel representing the State of Haryana states that there may be certain cases which are being processed by the office.

Hence, the office is directed to list all the connected appeals on 13.12.2022, in the urgent list, after informing the learned counsel representing the parties.

A photocopy of this order be placed on the files of the other connected cases.”

The learned counsel representing the parties are *ad idem* that in view of the judgment passed in **Regular First Appeal No.309 of 2021, titled as “State of Haryana and another Vs. Rajbir and another”, decided on 19.04.2022**, the impugned award passed by the Reference Court on 02.04.2022, is required to be set aside.

Ordered accordingly.

The learned counsel representing the respondent submits that the State of Haryana proposes to challenge the judgment passed in **Regular First Appeal No.309 of 2021, titled as “State of Haryana and another Vs. Rajbir and another.”**

The parties through their counsels are directed to appear before the Reference Court on 16.01.2023.

Let the Reference Court decide the matter afresh within a period of six months, from today, positively.

All the pending miscellaneous applications, if any, are also disposed of.

December 13th, 2022

(ANIL KSHETARPAL)
JUDGE

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

SR. NO.	CASE NO.	PARTIES DETAILS
1.	RFA-1107-2022	MOHAMMAD SAHOOD DECEASED THROUGH HIS LRS AND ORS. V/S FINANCIAL COMMISSIONER AND ORS.

2.	RFA-1109-2022	PAWAN KUMAR V/S STATE OF HARYANA AND ORS	
3.	RFA-1112-2022	MOHAMMAD SAHOOD DECEASED THORUGH HIS LRS AND ORS. V/S FINANCIAL COMMISSIONER AND ORS.	
4.	RFA-1122-2022	ASHIK HUSSAIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS	
5.	RFA-1127-2022	AAS MOHAMMAD AND ORS. V/S FINANCIAL COMMISSIONER	
6.	RFA-1128-2022	MOHAMMAD MUBIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS	
7.	RFA-1138-2022	ALI MOHAMMAD AND ORS. V/S STATE OF HARYANA STATE OF HARYANA AND ORS	
8.	RFA-1139-2022	MOHAMMAD FARUKH DECEASED THR. HIS LR AND ORS V/S FINANCIAL COMMISSIONER AND ORS	
9.	RFA-1140-2022	BUNDU AND ORS. V/S FINANCIAL COMMISSIONER AND ORS.	
10.	RFA-1141-2022	SUFIYAN AND ORS V/S FINANCIAL COMMISSIONER AND ORS	
11.	RFA-1142-2022	SARDAR KHAN DECEASED THR. HIS LRS FINANCIAL COMMISSIONER AND ORS	V/S
12.	RFA-1143-2022	MOHAMMAD KHAN NOW DECEASED THROUGH HIS LRS & ANR V/S FINANCIAL COMMISSIONER AND ORS	
13.	RFA-1147-2022	ARSHAD HUSSAIN NOW DECEASED THR. HIS LRS AND ANR V/S FINANCIAL COMMISSIONER AND ORS	
14.	RFA-1148-2022	SMT. YASINI (NOW DECEASED) THROUGH HER LRS V/S FINANCIAL COMMISSIONER AND ORS	
15.	RFA-1149-2022	YAKUB V/S FINANCIAL COMMISSIONER AND ORS	
16.	RFA-1150-2022	MOAMMAD YAKUB @ MOHD IQBAL V/S FINANCIAL COMMISSIONER AND ORS	
17.	RFA-1151-2022	MOHAMMAD HASSAM V/S FINANCIAL COMMISSIONER AND ORS	
18.	RFA-1152-2022	JAMIL AHMED AND ORS V/S FINANCIAL COMMISSIONER AND ORS	
19.	RFA-1153-2022	BUNDU AND ORS V/S FINANCIAL COMMISSIONER AND ORS	
20.	RFA-1154-2022	IDRISH AND ORS V/S FINANCIAL COMMISSIONER AND ORS	

21.	RFA-1155-2022	KAMRUDDIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
22.	RFA-1218-2022	ABDUL MAJID (SINCE DECEASED) THR. HIS LRS AND ANR V/S STATE OF HARYANA AND ORS
23.	RFA-1219-2022	NASRUDDIN AND ANR V/S FINANCIAL COMMISSIONER AND ORS
24.	RFA-1220-2022	SAMSU DECEASED THR. HIS LRS. AND ORS V/S FINANCIAL COMMISSIONER AND ORS
25.	RFA-1221-2022	NASRUDDIN @ NASRU DECEASED THR HIS LRS AND ANR V/S F.C AND ORS
26.	RFA-1222-2022	ASGAR KHAN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
27.	RFA-1224-2022	ABDUL WAHID V/S DISTRICT REVENUE OFFICER CUM LAC MEWAT AND ORS
28.	RFA-1225-2022	AYYUB KHAN AND ORS V/S STATE OF HARYANA AND ORS
29.	RFA-1226-2022	AASH MOHAMMAD V/S FINANCIAL COMMISSIONER AND ORS
30.	RFA-1227-2022	JAN MOHAMMAD AND ORS V/S STATE OF HARYANA AND ORS
31.	RFA-1229-2022	ABDUL WAHID V/S STATE OF HARYANA AND ORS
32.	RFA-1231-2022	MOHAMMAD ILIYASH DECEASED THR. HIS LR _s V/S FINANCIAL COMMISSIONER AND ORS
33.	RFA-1232-2022	SULEMAN V/S FINANCIAL COMMISSIONER AND ORS
34.	RFA-1233-2022	AYYUB AND ORS V/S FINANCIAL COMMISSIONER AND ORS
35.	RFA-1234-2022	MOHAMMAD ILIYASH DECEASED THR. HIS LR _s V/S FINANCIAL COMMISSIONER AND ORS
36.	RFA-1235-2022	SAHABUDDIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
37.	RFA-1236-2022	MOHAMMAD ILIYASH DECEASED THR. HIS LR _s V/S FINANCIAL COMMISSIONER AND ORS
38.	RFA-1237-2022	MOHAMMAD SULEMAN V/S FINANCIAL COMMISSIONER AND ORS
39.	RFA-1238-2022	MOHAMMAD AHSAN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
40.	RFA-1241-2022	YUNUS AND ORS V/S FINANCIAL COMMISSIONER AND ORS

41.	RFA-1242-2022	HAROON AND ORS. V/S FINANCIAL COMMISSIONER AND ORS
42.	RFA-1243-2022	ATAULLA KHAN DECEASED THROUGH HIS LRS AND ORS V/S FINANCIAL COMMISSIONER AND ORS
43.	RFA-1244-2022	JHAJBI V/S STATE OF HARYANA AND ORS
44.	RFA-1245-2022	SABIR HUSSAIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
45.	RFA-1248-2022	SABIR HUSSAIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
46.	RFA-1249-2022	FARUKH AND ORS V/S FINANCIAL COMMISSIONER AND ORS
47.	RFA-1258-2022	AKHTAR AND ORS V/S FINANCIAL COMMISSIONER AND ORS
48.	RFA-1260-2022	AYYUB KHAN AND ORS V/S STATE OF HARYANA AND ORS
49.	RFA-1262-2022	KASAM V/S FINANCIAL COMMISSIONER HARYANA AND ORS
50.	RFA-1271-2022	KHURSHID AHMED AND ORS V/S STATE OF HARYANA AND ORS
51.	RFA-1274-2022	ASGAR KHAN AND ORS V/S FINANCIAL COMMISSIONER AND ORS

(ANIL KSHETARPAL)
JUDGE