

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

291+325

RFA-3035-2019 (O&M)
and other connected cases
Date of decision: 27.09.2022

STATE OF HARYANA AND ORS.

..Appellants

Versus

BALWANT AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

This batch of appeals (details whereof are at the foot of the order) have been filed against the judgment passed by the Reference Court (hereinafter referred to as 'the RC') on 19.04.2019. The Land Acquisition Collector (hereinafter referred to as 'the LAC') announced the award on 08.06.2015. The notification under Section 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') were respectively published on 08.12.2013 and 10.06.2014. Thus, the compensation is required to be determined in accordance with Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act'). These cases relate to the transitional period between the 1894 Act and the 2013 Act. It is evident that the RC has proceeded to assess the market value without noticing the provisions of Section 24 and 26 of the 2013 Act. In fact, by a detailed 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, a large number of appeals were remitted back to the RC.

The learned counsel representing the appellant concedes that the award passed by the RC on 19.04.2019, is required to be set aside while

remitting the matter to the RC for deciding afresh after granting an opportunity to both the parties to lead further evidence. Hence, the award passed by the RC on 19.04.2019, is set aside.

The RC is requested to decide the matter afresh within a period of six months.

It may be noted that in RFA-3036 & 3097 of 2019 and RFA-109-2020, the service of notice is not complete. Since, the matters are to be remitted, therefore, these appeals are also disposed of in the same terms, however, the unserved respondents shall have liberty to file an application for modification/recall of the order, if they feel aggrieved.

The parties through their counsel are directed to appeal before the RC on 28.10.2022.

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

September 27th, 2022
Ay

(ANIL KSHETARPAL)
JUDGE

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

SR. NO.	CASE NO.	PARTIES NAME
1	RFA-3035-2019	STATE OF HARYANA AND ORS VS. BALWANT AND ORS.
2	RFA-3036-2019	THE STATE OF HARYANA AND ORS VS. SUBHASH CHANDER AND ORS.
3	RFA-3037-2019	THE STATE OF HARYANA AND ORS VS. SATYANARAYAN
4	RFA-3038-2019	THE STATE OF HARYANA AND ORS VS. JAI BHAGWAN AND ORS.
5	RFA-3039-2019	THE STATE OF HARYANA AND ORS VS. SATBIR AND ORS.
6	RFA-3040-2019	THE STATE OF HARYANA AND ORS VS. RAM KUMAR AND ORS.
7	RFA-3041-2019	THE STATE OF HARYANA AND ORS VS. HOSHIYARA AND ORS.
8	RFA-3042-2019	THE STATE OF HARYANA AND ORS VS. BAL RAJ AND ORS.
9	RFA-3043-2019	THE STATE OF HARYANA AND ORS VS. BALDEV SINGH AND ANR.

**RFA-3035-2019 (O&M)
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10	RFA-3044-2019	THE STATE OF HARYANA AND ORS VS. MANGE RAM AND ORS.
11	RFA-3045-2019	THE STATE OF HARYANA AND ORS VS. HARI KESH AND ANR.
12	RFA-3046-2019	THE STATE OF HARYANA AND ORS VS. RAM KUMAR
13	RFA-3047-2019	THE STATE OF HARYANA AND ORS VS. NARAYAN ALIAS SATYANARAYAN
14	RFA-3048-2019	THE STATE OF HARYANA AND ORS VS. SIRI OM AND ORS.
15	RFA-3049-2019	THE STATE OF HARYANA AND ORS VS. SATYAWAN AND ANR.
16	RFA-3279-2019	HARYANA STATE AND ORS. VS. RAM MEHAR AND ORS.
17	RFA-109-2020	KULDEEP VS. STATE OF HARYANA AND ORS.
18	RFA-3092-2019	MANGE RAM DECEASED THROUGH LRS AND OTHERS VS. STATE OF HARYANA AND OTHERS
19	RFA-3093-2019	SATYAWAN AND ANR. VS. STATE OF HARYANA AND ORS.
20	RFA-3094-2019	BALDEV SINGH AND ANR. VS. STATE OF HARYANA AND ORS.
21	RFA-3095-2019	RAM KUMAR AND ANR. VS. VS. STATE OF HARYANA AND ORS.
22	RFA-3096-2019	NARAYAN ALIAS SATYANARAYAN VS. STATE OF HARYANA AND ORS.
23	RFA-3097-2019	SMT. KAMLA AND ANR. VS. STATE OF HARYANA AND ORS.
24	RFA-3098-2019	SATBIR AND ORS. VS. STATE OF HARYANA AND ORS.
25	RFA-3099-2019	RAM KUMAR VS. STATE OF HARYANA AND ORS.
26	RFA-3100-2019	SATYANARAYAN VS. STATE OF HARYANA AND ORS.
27	RFA-3101-2019	HARI KESH AND ANR. VS. STATE OF HARYANA AND ORS.
28	RFA-3102-2019	SUBHASH CHANDER AND ORS. VS. STATE OF HARYANA AND ORS.

**(ANIL KSHETARPAL)
JUDGE**