

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

271+272

RFA-864-2020 (O&M)
Date of decision: 30.08.2022

AMAR LAL AND ORS.

..Appellants

Versus

STATE OF HARYANA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Robin Lohan, Advocate
for the landowners.

Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

CM-2050 & 2049-CI-2020 in RFA-864-2020
CM-2171 & 2170-CI-2020 in RFA-981-2020
CM-2174 & 2173-CI-2020 in RFA-982-2020
CM-2190 & 2189-CI-2020 in RFA-991-2020
CM-2193 & 2192-CI-2020 in RFA-992-2020
CM-2196 & 2195-CI-2020 in RFA-993-2020
CM-2199 & 2198-CI-2020 in RFA-994-2020
CM-2202 & 2201-CI-2020 in RFA-995-2020
CM-2205 & 2204-CI-2020 in RFA-996-2020
CM-2208 & 2207-CI-2020 in RFA-997-2020
CM-2215 & 2214-CI-2020 in RFA-999-2020

In view of the law laid down in Imrat Lal and others Vs. Land Acquisition Collector and others (SC) 2015(2) RCR (Civil) 437, Dhiraj Singh (Deceased) through LRs Vs. Haryana State and others, 2015(2) RCR (Civil) 507 and Jethu Ram (Deceased) through LRs Vs. Union of India and others, 2016(4) Law Herald 3166, the delay of 453, 456 days in filing and 122 days in refiling the appeals, respectively, is condoned, subject to the condition that the appellants shall not be entitled to the interest for the period of delay.

CMs stand disposed of.

Main

This order shall dispose of a batch of 12 appeals (details

whereof are at the foot of the order).

The landowners pray for the modification of a common award passed by the Reference Court (hereinafter referred to as 'the RC') while deciding a large number of reference petitions filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') on 01.03.2018.

In the present case, the Land Acquisition Collector (hereinafter referred to as 'the LAC') announced the award on 20.01.2014 i.e. after the enforcement 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 pertain to the transitional period between the 1894 Act and 2013 Act. The market value of the acquired land as per the facts of this case is required to be determined as per the provisions of Section 24 (1)(a) of the 2013 Act. In **'State of Haryana and another v. Rajbir and another' bearing RFA No. 309 of 2021 and other connected cases, decided on 19.4.2022**, this Court while examining the provisions of Section 24 (1)(a) of the 2013 Act has held that the RC has decided the cases without advertent to the requirements of the 2013 Act. Certain other issues have also been decided.

The landowners as well as the State of Haryana have filed applications for permission to lead the additional evidence. It has also been noticed that the Reference Court has failed to analyze Section 26 of the 2013 Act in a proper perspective.

Keeping in view the aforesaid facts, the judgment passed by the RC dated 01.03.2018 is set aside, while requesting the RC to decide the matter afresh after granting an opportunity to both the parties to lead further

evidence, if any prayed for.

Disposed of.

It is hoped that the Reference Court will decide the cases within a period of 6 months, from today. The parties through their counsel are directed to appear before the Reference Court on 26.09.2022.

Needless to observe that all the issues are kept open for adjudication.

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

August 30th, 2022

(ANIL KSHETARPAL)
JUDGE

Ay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

Sr. No.	Case No.	Title
1	RFA-981-2020 (O&M)	LAXMI NARAYAN AND OTHERS V/S STATE OF HARYANA AND ORS
2	RFA-982-2020 (O&M)	RAMESH KUMAR AND OTHERS V/S STATE OF HARYANA AND OTHERS
3	RFA-991-2020 (O&M)	MURTI DEVI AND ANOTHER V/S STATE OF HARYANA AND OTHERS
4	RFA-992-2020 (O&M)	BHAGWANI DEVI AND ORS V/S STATE OF HARYANA AND OTHERS
5	RFA-993-2020 (O&M)	DHOOP SINGH AND ANR V/S STATE OF HARYANA AND OTHERS
6	RFA-994-2020 (O&M)	BHAGCHAND @ BHAG SINGH V/S STATE OF HARYANA AND OTHERS
7	RFA-995-2020 (O&M)	MUNSI RAM AND OTHERS V/S STATE OF HARYANA AND OTHERS
8	RFA-996-2020 (O&M)	SANJAY KUMAR V/S STATE OF HARYANA AND OTHERS

9	RFA-997-2020 (O&M)	BIMLA AND OTHERS V/S STATE OF HARYANA AND OTHERS
10	RFA-999-2020 (O&M)	DHARAMBIR AND ORS V/S STATE OF HARYANA AND OTHERS

(ANIL KSHETARPAL)
JUDGE