

CR-6041 of 2019 (O&M) and
CR-6140 of 2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6041 of 2019 (O&M)
Date of decision: 06.12.2022

Surjeet Kaur and another

..Petitioners

Versus

State of Haryana and another

..Respondents

CR-6140 of 2019 (O&M)

Mahinder Kaur and another

..Petitioners

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurjot Singh Sadhrao, Advocate
for the petitioners.

Mr. Jaspal Singh Pannu, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

1. During the pendency of the first appeal, this court permitted the State of Haryana to deposit as an interim measure, a sum of Rs.40,00,000/- per acre. The order dated 13.08.2018 reads as under:-

“Counsel for the State inter alia contends that enhancement from Rs.13,30,000/- per acre has been done to Rs.54,43,200/- per acre (Rs.1125/- per square yard). The basis for enhancement for the notification under Section 4, dated 03.10.2012 is sale deed, Ex.PW4/B dated 30.05.2012 which was executed @ Rs.2500/- per square yard. A cut of 55% was applied to bring down the

market value to Rs.1125/- per square yard. It is contended that the same was executed five months prior to the date of notification and as recorded in the paragraph No.31 of the award, it is the similar khewat which has been acquired by the respondent. It is accordingly contended that chances of rigging of the said sale deed would arise as persons would be aware of the acquisition process which was to be set into motion for the purpose of the construction of the sewerage plant.

Notice of motion in the applications for condonation of delay of 18 days in filing the appeal, stay applications as well as in the main appeals for 07.12.2018.

In the meantime, State shall deposit a sum of Rs.40 lakhs per acre within a period of three months along with all statutory benefits with the executing Court which shall be disbursed to the landowners on furnishing of adequate security. In case, needful is not done, the stay shall automatically stand vacated.

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

2. The respondents (landowners) claim that double of the aforesaid amount is payable as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. This request of double amount as per the New Act of 2103, has been refused by the Executing Court. Admittedly, the Regular First Appeals are still pending.
4. In such circumstances, the revision petitions are disposed of with liberty to the respondents to file an appropriate application in the pending Regular First Appeals.
5. All the pending miscellaneous applications, if any, are also disposed of.

December 06, 2022
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(ANIL KSHETARPAL)
JUDGE

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