

**CWP No.26414 of 2021(O&M)
and other connected case.**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.26414 of 2021(O&M)
Date of decision:02.03.2022**

Narinder Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CWP No.26448 of 2021(O&M)

Nirmal Goyal and another through SPA Rajni Goyal

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navmohit Singh, Advocate, for the petitioners.

Mr. Samarth Sagar, Additional Advocate General, Haryana

**Mr. Ankur Mittal, Advocate and
Ms. Kushaldeep K. Manchanda, Advocate,
for respondent no.2-HSVP.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

By this order, Civil Writ Petition No.26414 and 26448 of 2021, shall stand disposed of. In both the writ petitions, the petitioners complain of non payment of the amount, ordered by the Land Acquisition Collector under Section 28A of the Land Acquisition Act, 1894.

On 24.01.2022, the learned counsel representing the Haryana

Shaheri Vikas Pradhikaran (hereinafter referred to as 'the HSVP') has placed on record a copy of the affidavit of the Chief Administrator, Panchkula, in Civil Writ Petition No.16895 of 2021, (Lal Chand vs. State of Haryana and others).

In the aforesaid affidavit, the total liability of the HSVP has been disclosed along with the proposed plan for discharging the liability towards compensation for compulsory acquisition of the land.

The relevant part of the affidavit reads as under:-

“10. That in view of the overall liability of HSVP to pay the compensation and further in view of the available sources, the following plan is being proposed to discharge the obligation of payment of compensation to the landowners:-

I. In the first instance, the entire amount due towards original award will be discharged by either paying to landowners or depositing in the reference Court. An amount of 16,19,36,53,651/- has already been released and will be deposited in the reference court within a period of 3 weeks. Further in next 4 weeks, further amount of Rs 23,02,16,37,136/- (approximately) will be paid either to landowners or will be deposited in the Reference Court(s) thereby discharging the entire liability to pay the compensation as assessed by the Land Acquisition Collector(s) in the State of Haryana. The entire exercise in this regard is proposed to be completed by 15 April 2022.

II. Thereafter in the second instance, the amount due towards enhancement in compensation as per orders of the Hon'ble Supreme Court including balance interest payments of Rs 66,24,86,87,435 will be discharged. In view of above, entire exercise in this regard is proposed to be completed by 15th August 2022 viz half of the amount (Approximately 3500 crores will be paid by 30th June 2022 and the balance will be cleared by 15th August 2022).

III. In the third instance, the amount due towards enhancement in compensation as per orders of the Hon'ble High Court and as per orders of the learned Additional District Judge which have attained finality

will be discharged. The entire exercise in this regard is, proposed to be completed by 15th October 2022.

IV. In the fourth instance, those cases will be taken up for discharge of liability of enhancement compensation, where the Special Leave Petitions or Regular First Appeals are pending before the Hon'ble Supreme Court or before this Hon'ble Court respectively and applications for interim stay has been decided. The entire exercise in this regard is proposed to be completed by 31st December 2022.

The proposed plan is summarized in tabular form in manner of priority herein below:-

Category	Proposed date of compliance
Original Award Amount (Amount of Rs.16,19,36,53,651/- already released will be deposited in reference court within 3 weeks) (Amount of Rs.23,02,16,37,136/- will be released/deposited in reference Court in next 4 weeks)	15 th April 2022
Enhanced compensation as per orders of Hon'ble SC including interest payments Approximately 3500 crores will be paid by 30 th June 2022 and the balance will be cleared by 15 th August 2022	15 th August 2022
Enhanced compensation as per orders of Hon'ble High Court and ADJ Court which have attained finality	15 th October 2022
Enhanced Compensation where the Special Leave Petitions or Regular First Appeals are pending before the Hon'ble Supreme court or before this Hon'ble Court respectively and applications for interim stay has been decided.	31 st December 2022.

11. That other than the aforesaid, there are large number of cases, wherein the executing courts have directed to make payment of compensation without any decree in favour of land owners in absence of reference applications under section 18 or application for re-

determination of compensation u/s 28 A of the 1894 Act, in which cases the instructions have been issued to all the Zonal Administrator (s) and Land Acquisition Collector (s) to compile the data of all such cases and decision has been taken to assail the said orders before this Hon'ble Court. HSVP has already filed Civil Revisions in number of cases, and impugned orders of executing courts have been stayed except in one case. The cases where Civil Revisions have been filed/ are under process of filing/ examination are detailed as under:-

Sr. No.	Exe- cution	Title	Name of Urban Estate	Civil Revision No.
1.	187 of 2017	Raj Kumar and Jai Bhagwan	Kaithal	303 of 2022
2.	106 of 2016	Subash Chand	Kaithal	256 of 2022
3	851 of 2015	Mange Ram	Kaithal	294 of 2022
4	482 of 2016	Raj Kumar	Kaithal	368 of 2022
5	852 of 2015	Chattar Singh and Chander Bhan	Kaithal	288 of 2022
6	232 of 2017	Prem Lata	Kaithal	257 of 2022
7	481 of 2016	Shashi sharma	Kaithal	2285 of 2021
8	198 of 2019	Kamlesh Rani	Kaithal	3180 of 2021
9	469 of 2017	Salochna	Kaithal	2622 of 2020
10	470 of 2017	Ashok Kumar	Kaithal	2632 of 2022
11	106 of 2016	Kuljeet Kaur	Ambala	1695 of 2021
12	799 of 2018	Jagir Singh	Ambala	Under process of filing
13	57 of 2018	Santosh	Ambala	Under process of filing
14	723 of 2018	Ishar Singh	Ambala	Under process of filing
15	960 of 2018	Amarjit Kaur	Ambala	Under process of filing

16	1147 of 2015	Surjit Singh	Ambala	3182 of 2021
17	657 of 2016	Harjinder Singh	Ambala	3156 of 2021
18	105 of 2016	Mohinder Kumar	Ambala	3256 of 2021
19	282 of 2014	Mahabir	Gurugram	1951 of 2021
20	467 of 2019	Kela Devi	Gurugram	127 of 2022
21	08 of 2018	Samtra Devi	Rewari	325 of 2022
22	413 of 2015	Anita Rani and others	Kurukshetra	266 of 2022
23	334 of 2016	Ram chander etc.	Kurukshetra	Under process of filing
24	335 of 2016	Gian Chand etc.	Kurukshetra	Under process of filing
25	336 of 2016	Ralla Ram through Lrs etc.	Kurukshetra	Under process of filing
26	337 of 2016	Ralla Ram through Lrs etc.	Kurukshetra	Under process of filing
27	07 of 2019	Rajbala	Gurugram	Under process of filing
28	978 of 2017	Johan	Gurugram	Under process of filing
29	53 of 2016	Nathu Ram	Gurugram	Under process of filing
30	145 of 2015	Surender and others	Gurugram	Under process of filing
31	344 of 2014 and 323 of 2018	Jagdish Singh	Sirsa	Under process of filing
32	119 of 2016	Balwinder Singh and ors	Sirsa	Under process of filing
33	52 of 2017	Balwinder Singh and	Sirsa	Under process of filing

		Ors		
34	517 of 2019	Yogesh Kumar	Hisar	Under process of filing
35	554 of 2019	Chhema Devi and ors	Hisar	Under process of filing
36	1251 of 2017	Vidya Devi	Hisar	Under process of filing
37	390 of 2017	Subhash Chand	Fatehabad	Under Examination

Since in aforesaid matters, the decision has been taken to assail the orders of the Executing Courts, therefore, at present no payment is being released in such cases. As the complete data of such cases is to be prepared by Land Acquisition Collectors, the exact quantification of the amount of compensation in such cases is not readily available.

12. That still further, there is another category of cases which have been decided by the Land Acquisition Collector (s) in exercise of the powers under Section 28 A of the 1894 Act. Since certain cases have come to the notice of deponent wherein even the time-barred applications have been decided and limitation has been counted from the date of order passed by Hon'ble High Court or Supreme Court. Thus, each case is being examined and the instructions have been issued to all Zonal Administrator (s) and Land Acquisition Officers to compile the list of all such cases decided under Section 28A of the 1894 Act and to submit record of each case for its detailed examination. Accordingly, in 7 number of cases i.e CWP No. 2520 of 2022 titled as HUDA v/s Land Acquisition Collector, HUDA And Ors.CWP No. 2523 of 2022 titled as HUDA v/s Land Acquisition Collector, HUDA And Ors, CWP No. 2524 of 2022 titled as HUDA v/s Land Acquisition Collector, HUDA And Ors, CWP No. 2527 of 2022 titled as HUDA v/s Land Acquisition Collector HUDA And Ors., CWP No. 2528 of 2022titled as HUDA v/s Land Acquisition Collector, HUDA And Ors,CWP No. 2532 of 2022titled as:HUDA v/s Land Acquisition Collector, HUDA And Ors, and CWP No. 2535 of 2022titled as HUDA v/s Land Acquisition Collector,- HUDA And Ors., such orders has been assailed and the orders has also been stayed by this Hon'ble Court. Further, 8 more such like cases have been

found, wherein writ petitions are being drafted. Further, in 10 more cases of Safidon, Jind the CWPS are under process of filing. Hence, at this stage, no payment in such cases is being released. The tentative liability worked out in. such cases in entire Haryana State comes to about 1144.04 crores approximately.

13. That it is respectfully submitted that since the cases decided under section 28-A of Act of 1894 will be taken up for payment after due examination of each and every individual case, therefore, this Hon'ble Court is humbly prayed to grant time till March 2023 for finalization of this exercise considering the number of cases involved. In so far as the cases pertaining to the claims as co-sharers are concerned, the same will be decided as per decision of this Hon'ble Court or Hon'ble Apex Court, if need so arises.”

The learned counsel representing the HSVP has also drawn the attention of the court to the order passed by the Division Bench on 14.02.2022 in CWP No.20384 of 2021.

Keeping in view the aforesaid affidavit, it is evident that the HSVP has huge liability and the efforts are being made to clear the same. The proposal put forth by the Chief Administrator, HSVP, Panchkula, does not appear to be arbitrary.

Keeping in view the current situation, the certain modalities have to be worked out in order to pay the amount to the landowners.

Keeping in view the aforesaid facts, the writ petitions are disposed of while directing the respondents to adhere to the schedule undertaken in the affidavit.

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

March 02, 2022

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Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No

**(ANIL KSHETARPAL)
JUDGE**