

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

393+260

**RFA-1313-2018(O&M)
Date of decision: 07.09.2022**

RESHMA DEVI AND ORS

..Appellants

Versus

STATE OF HARYANA AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Sharma, Advocate
Mr. Harpreet Singh, Advocate
Mr. Lal Singh Sandhu, Advocate
Mr. Amit Bansal, Advocate
Mr. S.K. Jain, Advocate
Mr. Akshay Jain, Advocate
Mr. Dheeraj Narula, Advocate
Mr. J.S. Thind, Advocate
Mr. Sanjiv Gupta, Advocate
Mr. Tushar Wadhwa, Advocate
for the landowners.

Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

This order shall dispose of a batch of appeals arising from acquisition of the land in village Chamal (details whereof are at the foot of the order). Though the notification under Section 4 and 6 were issued under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act'), however, the award was passed by the Land Acquisition Collector (hereinafter referred to as 'the LAC') after 01.01.2014. The Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act') came into force with effect from 01.01.2014. Thus, this acquisition will fall within the transitional period between the 1894 Act and the implementation of 2013

Act. Section 24(1)(a) of the 2013 Act shall apply in this case which provides that the determination of compensation shall be in accordance of the 2013 Act. Section 26 of the 2013 Act makes a departure from the manner of the assessment of the compensation from Section 23 of the 1894 Act. On a careful reading of the various awards passed by the Reference Court (hereinafter referred to as 'the RC'), it is evident that the RC while passing the awards did not assess the amount in accordance with the 2013 Act. In **Regular First Appeal No.309 of 2021, titled as “State of Haryana and another Vs. Rajbir and another”, decided on 19.04.2022**, this Court has dealt with the aforesaid issue in detail. For the reasons stated in the aforesaid judgment, the awards passed by the RC in all these appeals shall stand set aside. The matter is remitted back to the RC for deciding afresh, in accordance with the procedure prescribed under the 2013 Act.

The parties through their counsel are directed to appear before the RC on 17.10.2022.

The RC is requested to decide the matter afresh after granting opportunity to the parties to file the supplementary pleadings and futher evidence, if prayed for.

The RC is also requested to make sincere endeavour for the expeditious disposal of these cases.

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

September 07th, 2022

Ay

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*

Sr. No.	Case No. & Party name
1.	RFA No.1681 of 2018 Prithvi Singh vs. State of Haryana and anr.
2.	RFA No.1689 of 2018 Dharam Chand and ors. vs. State of Haryana and anr.
3.	RFA No.1688 of 2018 Surjit Rani and anr. vs. State of Haryana and anr.
4.	RFA No.1687 of 2018 Darshan Singh (deceased) thr Lr. vs. State of Haryana and anr.
5.	RFA No.1686 of 2018 Baldev Raj and ors. vs. State of Haryana and anr.
6.	RFA No.1685 of 2018 Soma Bai vs. State of Haryana and anr.
7.	RFA No.1684 of 2018 Jai Singh vs. State of Haryana and anr.
8.	RFA No.1683 of 2018 Surjit Rani and ors. vs. State of Haryana and anr.
9.	RFA No.1682 of 2018 Smt. Baga Bai and anr. vs. State of Haryana and anr.
10.	RFA No.1718 of 2018 Hans Raj vs. State of Haryana and anr.
11.	RFA No.1717 of 2018 Gurmit Kaur vs. State of Haryana and anr.
12.	RFA No.1716 of 2018 Chanan Ram and ors. vs. State of Haryana and anr.
13.	RFA No.1715 of 2018 Sunil Kumar and ors. vs. State of Haryana and anr.
14.	RFA No.1714 of 2018 Labhu Ram @ Labh Chand vs. State of Haryana and anr.
15.	RFA No.1713 of 2018 Shanti and anr. vs. State of Haryana and anr.
16.	RFA No.1719 of 2018 Chotha Bai and ors. vs. State of Haryana and anr.
17.	RFA No.1720 of 2018 Ramesh Chand and ors. vs. State of Haryana and anr.
18.	RFA No.2263 of 2018 Labhu Ram @ Labh Chand and ors. vs. State of Haryana and anr.
19.	RFA No.3106 of 2018 Om Parkash and ors. vs. State of Haryana and anr.
20.	RFA No.3100 of 2018 Vinod and ors. vs. State of Haryana and

	anr.
21.	RFA No.2743 of 2018 Rajiv Mehtani and anr. vs. State of Haryana and anr.
22.	RFA No.2328 of 2018 Hans Raj (deceased) thr Lrs and anr. vs. State of Haryana and anr.
23.	RFA No.2327 of 2018 Chhotu Ram vs. State of Haryana and ors.
24.	RFA No.2266 of 2018 Surjit Rani and ors. vs. State of Haryana and anr.
25.	RFA No.2265 of 2018 Des Raj and ors. vs. State of Haryana and anr.
26.	RFA No.634 of 2019 Nariani Devi and ors. vs. State of Haryana and anr.
27.	RFA No.1537 of 2018 Ram Chand (deceased) thr Lrs. vs. State of Haryana and anr.
28.	RFA No.1543 of 2018 Ghisa Ram and anr. vs. State of Haryana and anr.
29.	RFA No.1542 of 2018 Maninder Kaur and anr. vs. State of Haryana and anr.
30.	RFA No.1541 of 2018 Gurnam Chand and anr. vs. State of Haryana and anr.
31.	RFA No.1540 of 2018 Prithvi Singh vs. State of Haryana and anr.
32.	RFA No.1539 of 2018 Lal Chand and anr. vs. State of Haryana and anr.
33.	RFA No.1538 of 2018 Kundan Lal and ors. vs. State of Haryana and anr.
34.	RFA No.1536 of 2018 Vijay Kumar and ors. vs. State of Haryana and anr.
35.	RFA No.1314 of 2018 Mahabir and ors. vs. State of Haryana and anr.
36.	RFA No.1679 of 2018 Munshi Ram (deceased) thr Lrs and ors. vs. State of Haryana and anr.
37.	RFA No.1678 of 2018 Bhoop Singh and ors. vs. State of Haryana and anr.
38.	RFA No.1677 of 2018 Mehanga Ram vs. State of Haryana and anr.

39.	RFA No.1676 of 2018 Kashmir Singh vs. State of Haryana and anr.
40.	RFA No.1675 of 2018 Vijay Kumar and ors. vs. State of Haryana and anr.
41.	RFA No.1674 of 2018 Smt. Sheela Bai and ors. vs. State of Haryana and anr.
42.	RFA No.1673 of 2018 Sodagar Ram and ors. vs. State of Haryana and anr.
43.	RFA No.1672 of 2018 Mahavir and ors. vs. State of Haryana and anr.
44.	RFA No.1680 of 2018 Bhajan Lal and anr. vs. State of Haryana and anr.
45.	RFA No.1313 of 2018 Reshma Devi and ors. vs. State of Haryana and anr.

(ANIL KSHETARPAL)
JUDGE