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

**RFA No. 524 of 2019 (O&M)
Date of Decision: 16.11.2023**

Mahabir Parshad through LR's

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ankit Saini, Advocate for
Mr. Ram Kumar Saini, Advocate
for the appellants-landowners.

Ms. Vibha Tewari, Assistant Advocate General, Haryana

HARKESH MANUJA, J.

CM-1181-CI-2019

Prayer in the present application moved on behalf of the applicants-appellants, is for condonation of delay of 2896 days in filing the appeal.

Upon notice, reply stood filed and *inter alia* prayed for dismissal of the application being barred by limitation.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by the affidavit of Ram Parshad, who is one of the legal representatives of Mahabir Parshad.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the modified amount of compensation pertaining to the acquired land falling in same revenue estate, i.e. **Hisar**, in view of judgment dated 22.08.2014

passed by the Hon'ble Supreme Court in **SLP No(s). 20531-20565 of 2014**, titled "**Narbadi Devi & Ors. Versus State of Haryana & Ors.**".

Based thereupon, applying the principle of parity, besides awarding just and fair compensation and relying upon the decision of Hon'ble Supreme Court in case of "**Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another**", **2020 (19) SCC 599** as well as in view of the contents of application, the same is **allowed** and delay in filing the appeal, as mentioned above, is hereby condoned, subject to denial of interest for the delayed period.

CM-1183-CI-2019

Present application is for bringing on record the legal representatives of appellant-Mahabir Parshad, who died on 05.10.2017.

Upon notice, learned State Counsel has no objection against the prayer made in the application.

In view of the above as well as averments made in the application, which has been duly supported by the affidavit of Ram Parshad, who is one of the legal representatives of deceased-Mahabir Parshad, the same is **allowed**, subject to all just exceptions. As a result thereof, legal representatives of above appellant are brought on record to pursue the appeal.

CM-1182-CI-2019

Application is **allowed**, as prayed for, subject to all just exceptions. Exemption from filing the certified and typed copy of Award dated 09.08.2010 passed by the learned Additional District Judge, Hisar, is granted.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act"), to modify the award dated

09.08.2010 passed by learned Additional District Judge, Hisar (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance to Haryana Govt. Notification under Section 4 of the Act issued on 13.11.2002, followed by Notification dated 10.11.2003 under Section 6 thereof, the land measuring 333.36 acres, including the land of appellants, situated in the revenue estate of **Hisar**, was acquired. The public purpose for acquisition of the land was stated to be development of commercial and residential Sectors 3 & 5, Hisar. The Land Acquisition Collector, Hisar (for short “LAC”), vide Award dated 08.11.2005, assessed the market value of the acquired land @ ₹ 6,00,000/- per acre for *Nehri, Chari, Gair Mumkin and Banjar* lands, whereas for the land of *Tal* and *Tibba* etc., the market value was assessed @ ₹ 5,00,000/- per acre alongwith other statutory benefits.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 09.08.2010 by Reference Court, whereby the market value of the acquired land was assessed @ ₹ 670/- per square yard or ₹ 32,42,800/- per acre irrespective of kind of the acquired land.

[4] Aggrieved thereof, appeals preferred by some other landowners as well as State, were decided by this Court on 26.03.2014, lead case of which was ***RFA No. 5626 of 2010***, titled ***“State of Haryana and others Versus Murti Devi and another”***, whereby the appeals filed by the State were dismissed and the appeals / cross objections filed at the instance of landowners were allowed; thereby enhancing compensation @ ₹ 724.75 paisa per square yard.

[5] Against the judgment dated 26.03.2014 (supra), some landowners approached the Hon’ble Supreme Court in a batch of SLPs,

lead case of which was **SLP No(s). 20531-20565 of 2014**, titled “**Narbadi Devi & Ors. Versus State of Haryana & Ors.**”, which were disposed off on 22.08.2014, whereby compensation granted by this Court i.e. ₹ 724.75 paisa was modified by increase of 12% cumulatively.

[6] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 22.08.2014 passed in **Narbadi Devi’s case (supra)**, arising out of the same notification vide which the land of appellants was acquired.

[7] Learned State Counsel is not in a position to dispute the afore-stated factual position about judgment dated 22.08.2014 passed in **Narbadi Devi’s case (supra)**; however, opposes payment of interest for the period, the appellants failed to approach this Court.

[8] I have heard learned counsel for the parties and gone through the paper-book.

[9] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 22.08.2014 of **Narbadi Devi’s case (supra)**, which is arising out of the same acquisition / Notification dated 13.11.2002 covering the same revenue estate i.e. **Hisar**, whereby the landowners have been held entitled for the modified amount of compensation. For reference, the relevant para of judgment dated 22.08.2014 passed in case of **Narbadi Devi’s case (supra)** reads as under:-

“ From the impugned judgment of the High Court, it transpires that the High Court has followed the judgment of this Court in Asharfi and others Vs. State of Haryana and others 2013(5) SCC 527 and has given increase at the rate of 12%. This was the demand of the petitioners herein which has been accepted following the ratio in Asharfi case(supra). To the extent there is no quarrel. However, it is pointed out by the learned counsel for the petitioner that in Asharfi case(supra), yearly increase of 12% was granted cumulatively and not at flat rate. This position as contained in

Asharfi case (supra) could not be disputed by Mr. Narender Hooda, learned senior counsel for the State. Accordingly, the order of the High Court is modified to the extent that the 12% increase granted by the High Court shall be worked out on cumulative basis.

The special leave petitions stand disposed of accordingly. ”

[9.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 22.08.2014 in case of **Narbadi Devi (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except payment of interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[10] **Disposed off** in the above terms.

[11] Pending application(s), if any, shall also stand(s) disposed off.

November 16, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No