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

**RFA No. 1004 of 2023 (O&M)
Date of Decision: 06.11.2023**

Shiv Kumar and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anil Dutt, Advocate
for the appellants-landowners.

Mr. Shivendra Swarop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-2995-CI-2023

Prayer in the present application moved on behalf of the applicants-appellants, is for condonation of delay of 377 days in filing the appeal.

Upon notice, no reply has been filed; however, learned State Counsel opposes the prayer made in the present application.

I have heard learned counsel for the parties and gone through the contents of the application, duly supported by the affidavit of one of the applicants-appellants, namely, Shiv Kumar.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation @ ₹ 1,29,47,200/- per

acre, pertaining to the acquired land falling in same revenue estates, i.e. Villages Rathdhana, **Rai** and Asawarpur, Tehsil & District Sonapat, in view of judgment dated 27.10.2022, passed by this Court in ***RFA No. 395 of 2020***, titled “***Tara Chand (Deceased) through his legal representatives Versus State of Haryana and others*”.**

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.

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 16.10.2019 passed by learned Additional District Judge, Sonapat (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] At the outset, learned counsel for the appellants submits that an appeal bearing RFA No. 2660 of 2021, filed at the instance of respondent Nos. 4 to 18 stood allowed, vide judgment dated 27.10.2022 passed by this Court, hence service upon these respondents is not necessary being *pro forma* respondents and may be dispensed with accordingly.

[3] Ordered accordingly.

[4] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 14.07.2010, followed by

Notification dated 07.07.2011 under Section 6 thereof, the total land measuring 27.25 acres of Villages Rathdhana, **Rai** and Asawarpur, District Sonapat, was sought to be acquired. The public purpose for acquisition of the land was stated to be for construction of road between Sectors 30-37, 31-37, Sonapat. The Land Acquisition Collector (for short "LAC"), vide Award No. 16, dated 15.03.2013, assessed the market value of acquired land situated in the above-said villages @ ₹ 80,00,000/- per acre alongwith other statutory benefits.

[5] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 16.10.2019 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ ₹ 86,60,000/- per acre, besides granting statutory benefits.

[6] Aggrieved thereof, appeals preferred by some other landowners, were disposed off by this Court on 27.10.2022, lead case of which was ***RFA No. 395 of 2020***, titled "***Tara Chand (Deceased) through his legal representatives Versus State of Haryana and others***", thereby awarding compensation @ ₹ 1,29,47,200/- per acre for the acquired land. It is also pointed out by learned State Counsel that against the judgment dated 27.10.2022 (*supra*), Special Leave to Appeal (C) No(s). 3629-3630 of 2023, titled "***Naresh & Ors. Versus The State of Haryana & Ors.***" filed by some other landowners, stood dismissed vide order dated 27.02.2023 passed by the Hon'ble Supreme Court.

[7] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 27.10.2022 passed in ***Tara Chand's case (supra)***, arising out of the same notification vide which the land of appellants was acquired.

[8] Learned State Counsel is not in a position to dispute the afore-stated factual position about judgment dated 27.10.2022 passed in **Tara Chand's case (supra)**; however, opposes payment of interest for the period, the appellants failed to approach this Court.

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

[10] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 27.10.2022 of **Tara Chand's case (supra)**, which is arising out of the same acquisition / Notification dated 14.07.2010 covering the same revenue estates i.e. Villages Rathdhana, **Rai** & Asawarpur, Tehsil & District Sonapat, whereby the landowners have been held entitled for the modified / enhanced amount of compensation @ ₹ 1,29,47,200/- per acre. For reference, the relevant para-6 of judgment dated 27.10.2022 passed in case of **Tara Chand (supra)** reads as under:-

“ 6. Decision

6.1 Resultantly, the appeals filed by the landowners are allowed, whereas, the appeals filed by the State are dismissed. The market value of the acquired land is assessed at ₹ 1,29,47,200/- per acre.”

[10.1] 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 27.10.2022 in case of **Tara Chand (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.

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

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

November 06, 2023

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**(HARKESH MANUJA)
JUDGE**

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