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

**RFA No. 984 of 2020 (O&M)  
Date of Decision: 18.10.2023**

Sarup Singh (deceased) through his sons  
and LRs 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 Swaroop, Deputy Advocate General, Haryana  
for respondent Nos. 1 & 2.

Mr. Pritam Singh Saini, Advocate  
for respondent No. 3-HSIIDC.

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**HARKESH MANUJA, J.**

**CM-2176-CI-2020**

Prayer in the present application, moved by learned counsel for the appellants, is for permission to file appeal by the legal representatives of deceased-Sarup Singh son of Bhim Singh (appellant No. 1), who died on 09.04.2014 and executed a registered Will deed No. 112, dated 29.01.2014 in favour of his sons, as mentioned in para-1 of the application.

In view of the averments made in the application, the same is **allowed**, subject to all just exceptions. The persons mentioned in para-1 of the application are ordered to be brought on record as legal representatives of appellant No. 1-deceased (Sarup Singh) for the purpose of pursuing the present appeal.

**CM-2177-CI-2020**

Prayer in the present application is for condonation of delay of 2558 days in filing the appeal.

Upon notice, reply on behalf of respondent No. 3-HSIIDC stood filed, and, *inter alia*, prayed for dismissal of the application as well as appeal being barred by time.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by one of the applicants-appellants.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to the acquired land falling in same revenue estate, i.e. ***Village Jatheri, Tehsil & District Sonapat***, in view of judgment dated 05.07.2019 passed in ***RFA-4101-2008***, titled ***“HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Versus Rajesh Kumar-II and others”***.

Based thereupon, applying the principles of parity, besides awarding of 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 of 2558 days in filing the appeal is hereby condoned, subject to denial of interest for the period the applicants-appellants did not approach this Court.

**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 15.10.2012 passed by learned Additional District Judge, Sonapat

(hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance of Haryana Govt. Notification dated 22.06.2006 issued under Section 4 of the Land Acquisition Act, 1894 (for short “the Act”), followed by Notification dated 20.06.2007 issued under Section 6 thereof, the land measuring 216 acre 7 Kanal 11 Marla, including the land of appellants, situated in the revenue estate of Villages Badh Malik, Badh Khalsa, **Jatheri**, Liwan, Pritampura and Rai, Tehsil & District Sonapat, for development of Industrial Sector-38, was acquired. The Land Acquisition Collector, Sonapat (for short “LAC”) vide award dated 28.11.2008, assessed the market value of land @ Rs. 35 lakhs per acre besides grant of 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 15.10.2012 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 36 lakhs per acre, besides granting statutory benefits.

[4] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 05.07.2019 passed in ***RFA-4101-2008***, titled ***“HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Versus Rajesh Kumar-II and others”***, arising out of the same notification, vide which the land of appellants had been acquired.

[5] Learned State Counsel as well as counsel for respondent-HSIIDC are not in a position to controvert the above factual position; however, oppose the payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court.

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

[7] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 05.07.2019 passed in case of **Rajesh Kumar-II & others (supra)**, which are arising out of the same acquisition / Notification dated 22.06.2006 covering the same revenue estate i.e. **Village Jatheri, Tehsil & District Sonapat**, In the said case, the market value has been fixed @ Rs. 42,30,000/- per acre for the land abutting GT road upto the depth of two acres (440 feet), while for the remaining land, Rs. 40,50,000/- per acre has been assessed, besides grant of statutory benefits. The relevant para-189 of the said judgment dated 05.07.2019 reads as under:-

*“ 189. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-*

- (i) For the first notification dated 13.08.2004, for the land falling in Villages Badh Malik and Pritampura, the market value would be Rs.21,00,000/- per acre. For Jatheri and Akbarpur Barota, Rs.19,00,000/-. For the lands of Villages Abaspur and Chattera Bahadur, acquired by second notification dated 27.08.2004, the market value would work out to Rs.17,00,000/-. The landowners would also be entitled to 50% severance on the market value on account of the statutory restrictions imposed on the balance land and the expressway making the other portion of the land non-viable for cultivation on account of denial of access. However, the benefit of solatium and interest element under Section 23 (1-A) and Section 23(2) would not be payable on the amount of severance.*
- (ii) For the third notification dated 30.06.2005, for Villages Badh Malik, Pritampura and Rasoi, uniform compensation @ Rs.29,54,000/- per acre along with all statutory benefits, is granted.*
- (iii) For the fourth notification dated 16.11.2005, for Villages Rasoi, Rs.52,80,000/- per acre along with all statutory benefits, is granted.*
- (iv) For the fifth notification dated 17.11.2005, for the land falling upto the depth of 2 acres (440 feet) of the National Highway, market value is assessed @*

Rs.38,50,000. For the other land falling in Villages Badh Khalsa, Firozepur Khadar, Abaspur, Badh Malik and Patla, the market value is assessed @ Rs.35,00,000/- along with all statutory benefits. For Villages Jakholi, Sewli, Khewda and Bahalgarh, the market value is assessed @ Rs.31,50,000/- per acre along with all statutory benefits.

- (v) For the sixth notification dated 28.03.2006, for Villages Jatheri, Rs.35,00,000/- per acre is granted along with all statutory benefits.
- (vi) **For the seventh notification dated 22.06.2006 for Villages Badh Malik, Pritampura, Jatheri, Liwan, Rai and Badh Khalsa, Rs.42,30,000/- per acre is granted upto the depth of 2 acres (440 feet) and for the balance land, market value is assessed @ Rs.40,50,000/- per acre, along with all statutory benefits.**
- (vii) For the eighth notification dated 05.03.2007, for Villages Badh Malik, Pritampura and Rasoi, the market value is assessed @ Rs.45,00,000/- per acre along with all statutory benefits.
- (viii) Resultantly, the appeals alongwith cross-objections filed by both the landowners and the State are disposed of. In appeals where delay has been condoned conditionally, the benefit of interest on the enhanced compensation for the period of delay in filing the appeals shall not be granted to the landowners, as specified in the orders condoning the delay. All the pending civil miscellaneous applications also stand disposed of.
- (ix) The State shall also comply with the directions laid down by the Apex Court in '**HSI IDC Vs. Pran Sukh'** (2010) 11 SCC 175, to ensure that the landowners are not fleeced by the middleman, which read as under:
  - (a) The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tahsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.

*(b) The concerned officers shall also instruct the land owners and/or their legal representatives to open savings bank account in case they already do not have such account.*

*(c) The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months.*

*(d) The Land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners. ”*

**[7.1]** 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 05.07.2019 in case of ***Rajesh Kumar-II & others (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.

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

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

**October 18, 2023**

*'dk kamra'*

**( HARKESH MANUJA )  
JUDGE**

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