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

**RFA No. 913 of 2023 (O&M)
Date of Decision: 01.08.2023**

Surat Singh (now deceased) through his LRs
and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jitender Malik, Advocate for
for the appellants-landowners.

Mr. Abhinash Jain, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-2819-CI-2023

Application is **allowed**, as prayed for subject to all
just exceptions.

Exemption from mentioning the number of Roll of
Advocates is granted.

CMs-2820-21-CI-2023

CM-2821-CI of 2023 for condonation of delay of 411
days in re-filing the appeal.

CM-2820-CI-2023 for condonation of delay of 01 day
in filing the appeal.

Notice of the applications.

Learned State Counsel accepts notice on behalf of the non-applicants/respondents-State and vehemently opposes the prayer made in the applications.

I have heard learned counsel for the parties and gone through the contents of the applications, which have been supported by the affidavits of learned counsel for 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 **Village Rathdhana, Tehsil & District Sonapat**, to the tune of Rs. 1,29,47,200/- per acre, 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”***.

By placing reliance 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 on the basis of contents of the applications, the same are **allowed** and delay of re-filing & filing the appeal, as mentioned above, is hereby condoned.

CM-2822-CI-2023

Prayer in the present application under Order 22 Rule 3 read with Section 151 CPC, is for grant of leave to implead the legal heirs of appellant No. 1-Surat Singh, who died on 05.01.2021.

Application is **allowed**, as prayed for subject to all just exceptions. The persons mentioned in para-2 of the application are ordered to be impleaded as LR's of above appellant.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act") to modify the impugned award dated 15.10.2019 passed by learned Additional District Judge, Sonapat (hereinafter to be referred as "Reference Court") and for enhancement of the compensation amount.

[2] Paper-book reveals that State of Haryana issued a Notification dated 14.07.2010 under Section 4 of the Act for acquisition of land for three different villages, namely, Rathdhana, Rai and Asawarpur, Tehsil & District Sonapat, which was followed by a declaration dated 07.07.2011 under Section 6 thereof. The public purpose for acquisition of land was stated to be construction of road between Sector 32-36, Sonapat. The total land measuring 11.11 acres situated in **Village Rathdhana**,

District Sonapat, including the land of appellants, was acquired for the above said purpose.

[3] The Land Acquisition Collector, Sonapat (for short "LAC"), vide Award No. 17, dated 15.03.2013, assessed the market value of acquired land @ Rs. 80 lakhs per acre for all types of land besides statutory benefits.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act. Resultantly, the dispute was forwarded to the Reference Court for determination of the market value of the acquired land.

[5] Learned Reference Court, while passing the impugned award dated 15.10.2019, accepted 04 reference petitions including the one filed by appellants and assessed the market value of the acquired land @ Rs. 86,60,000/- per acre alongwith statutory benefits. Aggrieved thereof, the appellants preferred the present appeal.

[6] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 27.10.2022 passed in ***RFA No. 395 of 2020, titled "Tara Chand (Deceased) through his legal representatives Versus State of Haryana and others"***, arising out of the same notification, vide which the land of appellants had been acquired.

[7] Notice of motion.

[8] Learned State Counsel accepts notice on behalf of the respondents-State and does not dispute about the disposal

of the main appeal in terms of judgment dated 27.10.2022 (supra); however, opposes payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court.

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

[10] Learned counsel for the parties are *ad idem* that present appeal is squarely covered with the judgment dated 27.10.2022 passed in **Tara Chand's case (supra)**, which is arising out of the same acquisition / Notification dated 14.07.2010 covering the same revenue estate(s), whereby the landowners have been held entitled for the enhanced amount of compensation to Rs. 1,29,47,200/- per acre. For reference, the relevant para-6 of judgment dated 27.10.2022 passed in **Tara Chand's case (supra)** reads as under:-

“ 6. DECISION

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, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded vide judgment dated 27.10.2022 passed in **Tara Chand's case (supra)**, besides all other statutory benefits and

interest thereupon as provided under the Act, except interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[11] Needless to say that the appellant shall not be entitled for interest *qua* the period of delay in filing the present appeal.

[12] **Disposed off** in the aforesaid terms.

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

August 01, 2023

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**(HARKESH MANUJA)
JUDGE**

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