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

**RFA No. 27 of 2021 (O&M)
Date of decision: 25.07.2023**

Reham Deen and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shoaib Khan, Advocate
for the appellants.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-118-CI-2021

Prayer in the present application under Order 22 Rule 3 read with Section 151 CPC, is for impleadment of legal heirs of appellant No. 4-Sharif Mohd., who died on 15.05.2007.

Application is **allowed**, as prayed for subject to all just exceptions. The persons mentioned in para-1 of the application are ordered to be impleaded as LR's of above appellant.

CM-117-CI-2021

Prayer in the present application under Section 5 of Limitation Act, is for condonation of delay of 452 days in filing the appeal.

Upon notice, no reply has been filed.

I have heard learned counsel for the parties and gone through the pleadings.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation to the tune of **Rs. 498/- per square yard (Rs. 24,10,320/- per acre)** besides grant of statutory benefits, in view of the order dated 10.08.2020 passed by this Court in application **(CM No. 2247-CI of 2020 in RFA No. 1638 of 2019, titled “Fazal Mohd. (deceased) through his LRs & others Versus State of Haryana & another”)** seeking correction of clerical and arithmetical mistakes in the main judgment dated 27.05.2020 rendered in **RFA No. 1817 of 2019**, titled **“The Akash Cooperative Group Housing Society Ltd.-II Versus State of Haryana and others”**.

Based upon the above and applying the principle of parity, besides grant of just and fair compensation, the landowners / applicants being similarly situated, are entitled for grant of similar amount of compensation, however, without any payment of interest for the period they failed to approach this Court after the decision of the Reference Court. In this regard reliance can be placed upon the decision of Hon’ble Supreme Court in case of **“Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another”**,

In view of the discussion made hereinabove as well as contents of the application, the same is **allowed** and delay of 452 days in filing the appeal is hereby condoned.

MAIN APPEAL

[1] Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) to decide the same in terms of judgment dated 27.05.2020 rendered in ***RFA No. 1817 of 2019***, titled ***“The Akash Cooperative Group Housing Society Ltd.-II Versus State of Haryana and others”*** and as subsequent correction order dated 10.08.2020 passed in application (***CM No. 2247-CI of 2020 in RFA No. 1638 of 2019, titled “Fazal Mohd. (deceased) through his LRs & others Versus State of Haryana & another”***) seeking correction of clerical and arithmetical mistakes in the above judgment.

[2] Paper-book reveals that State of Haryana issued a Notification dated 16.03.1999 issued under Section 4 of the Land Acquisition Act, 1894 (for short “the Act”) for acquisition of land measuring 482.17 acres & 140.59 acres in Villages Saketri & Bhainsa Tibba, Tehsil & District, Panchkula, including land of appellants, which was followed by a declaration dated 15.03.2000 under Section 6 thereof. The public purpose for acquisition of land was stated to be development and utilization of residential, commercial, institutional, recreational in Sectors 1, 2, 3, 5B, 5C & 6, Panchkula extension Mansa Devi Complex in Urban Estate, Panchkula.

[3] The Land Acquisition Collector, Rohtak (for short “LAC”), vide Award No. 8 dated 09.10.2003, assessed the market value of acquired land @ Rs. 9 lakhs per acre for ‘chahi-abi-barani’ land; Rs. 5 lakhs per acre for ‘banjar’ land; and Rs. 2.60 lakhs per acre for ‘gair mumkin’ land, situated in Village Bhainsa Tibba. The LAC, vide Award No. 7, dated 09.10.2003, awarded compensation @ Rs. 9 lakhs per acre for ‘chahi-abi-barani’ land; Rs. 4.70 lakhs per acre for ‘banjar’ land; and Rs. 2.30 lakhs per acre for ‘gair mumkin’ land, situated in Village Saketri.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Court of learned Additional District Judge, Panchkula (for short “Reference Court”) for determination of the market value of the acquired land.

[5] Learned Reference Court vide Award dated 31.10.2006 assessed the market value of the acquired land @ Rs. 418/- per square yard. Aggrieved thereof, the landowners filed appeals before this Court and ultimately, vide judgment dated 25.02.2009 passed in RFA No. 3008 of 2008, titled “*Poonam Versus State of Haryana*”, the matter stood remanded back for fresh adjudication of compensation and four sets of Notifications dated 29.09.1997, 16.03.1999, 02.06.1999 & 02.06.1999 pertaining to the acquired land of Villages Bhainsa

Tibba and Saketri were decided.

[6] Learned Reference Court, vide Award dated 31.10.2011, reduced the market value of acquired land in question from Rs. 418/- per square yard to Rs. 374/- per square yard.

[7] Dissatisfied from the above, the landowners further challenged the aforesaid award of the Reference Court pertaining to all the aforesaid acquisitions.

[8] In second round, this Court vide order dated 14.11.2017, passed in RFA No. 10326 of 2014, titled “The Aakash Co-op House Building Society Versus State of Haryana” again remanded back the matter for fresh adjudication of market value of the acquired land with observations and guidelines and also directed that the matters pertaining to earlier acquisitions should be decided first.

[9] Thereafter, learned Reference Court, vide Award dated 20.09.2018 enhanced the compensation to Rs. 511/- per square yard in all cases arising out of acquisition dated 16.03.1999.

[10] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 27.05.2020 rendered in ***RFA No. 1817 of 2019***, titled “***The Akash Cooperative Group Housing Society Ltd.-II Versus State of Haryana and others***” and subsequent correction dated 10.08.2020 passed by Co-ordinate Bench in application ***(CM No. 2247-CI of 2020 in RFA No. 1638 of 2019, titled***

“Fazal Mohd. (deceased) through his LRs & others Versus

State of Haryana & another”) seeking correction of clerical and arithmetical mistakes in the main judgment dated 27.05.2020 (supra).

[11] Heard learned counsel for the parties and perused the paper-book.

[12] Learned counsel for the parties are *ad idem* that a batch of RFAs, arising out of the same acquisition / Notification covering the same revenue estate, has already been decided by the Coordinate Bench in **Fazal Mohd.’s case (supra)**, whereby the landowners have already been held entitled for the enhanced amount of Rs. 498/- per square yard (Rs. 24,10,320/- per acre) as market value alongwith other statutory benefits and interests. For reference, the relevant para of order dated 10.08.2020 (supra) reads as under:-

“ XXXX

123(ii). For the notification dated 16.03.1999, the market value is fixed @ **Rs.498/- per sq.yard (Rs.24,10,320/- per acre)** along with all statutory benefits. However, for the land of Bhainsa Tibba which falls on the other side of the railway line, towards Mani Majra and Village Kishangarh of Chandigarh, the market value is fixed @ **Rs.26,99,558/- per acre (Rs.558/- per sq.yard)** along with all statutory benefits by only allowing the appeals of the concerned set of landowners. The appeals filed by the State are accordingly, partly allowed and those of the other landowners are dismissed.”

[12.1] 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 order 10.08.2020 (*supra*), besides all other statutory benefit 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.

[13] In view of the aforesaid discussion, since the controversy being squarely covered with the judgment dated 10.08.2020 passed in ***Fazal Mohd's case (supra)***, present appeal is **disposed off** in the same terms, based on the agreed stand taken by both sides.

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

July 25, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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