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

**RFA No. 136 of 2023 (O&M)
Date of Decision: 13.09.2023**

Jai Kishan (since deceased) through LRs and another

...Appellants

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parmod Kumar Parmar, Advocate
for the appellants-landowners.

Mr. Abhinash Jain, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-464-CI-2023

Application is **allowed**, as prayed for, subject to all just exceptions. The applicants mentioned in para-4 of the application are ordered to be brought on record as legal representatives of appellant No. 1-Jai Kishan, who died on 11.06.2022, for the purpose of pursuing the present appeal.

CM-466-CI-2023

Application is **allowed**, as prayed for, subject to all just exceptions. Exemption from filing the certified / true copies of Annexures A-1 to A-3 is granted.

CM-465-CI-2023

Prayer in the present application moved on behalf of the applicants-appellants is for condonation of delay of 556 days in filing the appeal.

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

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

Concededly, the appeals filed by the State of Haryana as well as similarly situated landowners pertaining to the same acquisition proceedings with regard to revenue estate of Jhajjar, have already been remitted back to the Reference Court for deciding the matter afresh, in view of judgment dated 10.05.2022 passed by this Court in ***RFA No. 2069 of 2021***, titled ***“State of Haryana and another Versus Daan Singh 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 prayer is **allowed** and delay in filing the appeal, as mentioned above, is hereby condoned.

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 16.05.2019 passed by learned Additional District Judge, Jhajjar (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] In pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 29.09.2011, followed by Notification dated 28.09.2012 under Section 6 thereof, the land measuring 47.11 acres, including the land of appellants, situated in the revenue estate of Jhajjar, was acquired. The public purpose for acquisition of the land was stated to be Development of Sector Dividing Road between Sectors 5-15, 4A-15, 4A-4, 4A-3B, 3-14, 3-3A-14, Bahadurgarh. The Land Acquisition Collector, Urban Estate, Rohak (for short “LAC”), vide Award No. 12, dated 24.09.2014, assessed the market value of acquired land @ Rs. 50,00,000/- 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 16.05.2019 by the Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1,02,20,000/- per acre, besides granting statutory benefits, whereas in *LA Case No. 235 of 2017*, titled “*Microtek Realtors Pvt. Ltd. Versus State of Haryana etc.*”, the market value was assessed @ Rs. 1,05,50,000/- per acre.

[4] Learned State Counsel relies upon decision dated 10.05.2022 passed by this Court in **RFA No. 2069 of 2021**, titled **“State of Haryana and another Versus Daan Singh and others”**, to contend that the impugned award passed by the Reference Court has been set aside and the matter has been remanded back to the Reference Court for fresh adjudication, which fact could not be disputed by the learned counsel representing the landowners-appellants.

[5] In view of the aforementioned un-controverted position, relying upon the order dated 10.05.2022 passed in case of **Daan Singh and others (supra)**, the impugned award dated 16.05.2019 passed by the Reference Court is set aside and the matter is remanded back to the Reference Court for fresh adjudication.

[6] **Disposed off**, accordingly.

[7] The parties through their counsels are directed to appear before the Reference Court on 16.10.2023.

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

September 13, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

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