

253-2

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

**RFA No. 1019 of 2022 (O&M)
Date of Decision: 14.11.2023**

Dharambir and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep K. Sharma, Advocate
for the appellants-landowners.

Mr. Arun Beniwal, Senior Deputy Advocate General, Haryana
for respondent No. 1.

Mr. Pritam Singh Saini, Advocate
for respondent Nos. 2 & 3-HSIIDC.

HARKESH MANUJA, J.

CM-2357-CI-2022

For the reasons mentioned in the application, the same is
allowed, subject to all just exceptions.

The applicants-appellants are permitted to make good the
deficiency in the Court fee affixed in the memo of appeal.

CM-2359-CI-2022

Application is **allowed**, as prayed for, subject to all just
exceptions. The delay of five (05) days in filing the appeal is condoned.

CM-2358-CI-2022

Prayer in the present application moved on behalf of the
applicants-appellants, is for condonation of delay of 1375 days in re-filing
the appeal.

Notice of the application.

Learned counsel(s) for respondents accept notice and oppose 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 the affidavit of learned counsel.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the modified amount of compensation pertaining to the acquired land falling in same revenue estate, i.e. **Village Kutana, District Rohtak**, in view of judgment dated 28.09.2021 passed by this Court in **RFA No. 253 of 2017**, titled **“Haryana State Industrial Development Corporation (now Haryana State Industrial and Infrastructure Development Corporation Limited) Versus Virender 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 same is **allowed** and delay in re-filing the appeal, as mentioned above, is hereby condoned, subject to denial of interest for the delayed period.

CM-2361-CI-2022

Present application is for bringing on record the legal representatives of appellant Nos. 9 & 10, namely, Bishambar & Zile Singh, who died on 19.12.2013 & 27.11.2014, respectively.

Notice of the application.

Learned counsel(s) for respondents accept notice and have no objection against the prayer made in the application.

In view of the above as well as averments made in the application, which has been duly supported by the affidavit, the same is **allowed**, subject to all just exceptions. As a result thereof, legal representatives of above appellants are brought on record to pursue the appeal.

CM-2360-CI-2022

Application is **allowed**, as prayed for, subject to all just exceptions. Exemption from filing the certified copies of annexure and typed copy of Award dated 14.10.2015 passed by the learned Additional District Judge, Rohtak, is granted.

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 14.10.2015 passed by learned Additional District Judge, Rohtak (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 25.01.2006, followed by Notification dated 06.10.2006 under Section 6 thereof, the land measuring 149 acre 0 Kanal 15 Marla, including the land of appellants, situated in revenue estate of Village **Kutana**, Tehsil & District Rohtak, was acquired. The public purpose for acquisition of the land was stated to be setting up of an Industrial Estate, Rohtak, planned as an integrated complex for industrial and other public utilities etc. The Land Acquisition Collector, Rohtak (for short “LAC”), vide Award No. 2, dated 05.02.2007, assessed the market value of acquired land @ Rs. 12,50,000/- per acre for all types of land 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 14.10.2015 by Reference Court, whereby the market value of the acquired land was divided into three different categories, which are as under:-

- (i) land situated upto the depth of one acre from National Highway No. 10, assessed @ Rs. 20,00,000/- per acre;
- (ii) land situated on the link metalled road going from Rohtak to Gaddi Kheri upto the depth of one acre, assessed @ Rs. 18,50,000/- per acre; and
- (iii) land situated at a distance and in the interior and not abutting National Highway upto the depth of one acre not abutting to National Highway upto the depth of one acre, assessed @ Rs. 17,20,000/- per acre.

[4] Aggrieved thereof, appeals preferred by some other landowners as well as HSIIDC, were disposed off by this Court on 28.09.2021, lead case of which was ***RFA No. 253 of 2017***, titled ***“Haryana State Industrial Development Corporation (now Haryana State Industrial and Infrastructure Development Corporation Limited) Versus Virender Singh and others”***, thereby reducing compensation @ Rs. 14,30,000/- per acre in respect of category (iii) above, while maintaining the assessment of the land with regard to other two categories.

[5] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 28.09.2021 passed in ***Virender Singh and others’ case (supra)***, arising out of the same notification vide which the land of appellants was acquired.

[6] Learned State Counsel is not in a position to dispute the afore-stated factual position about judgment dated 28.09.2021 passed in **Virender Singh and others' case (supra)**; however, opposes payment of interest for the period, the appellants failed to approach this Court.

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

[8] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 28.09.2021 of **Virender Singh and others' case (supra)**, which is arising out of the same acquisition / Notification dated 25.01.2006 covering the same revenue estate i.e. **Village Kutana, Tehsil & District Rohtak**, whereby the landowners have been held entitled for the modified amount of compensation. For reference, the relevant para of judgment dated 28.09.2021 passed in case of **Virender Singh and others' case (supra)** reads as under:-

“ Keeping in view the aforesaid facts, this Court is left with no choice but to interfere in the findings of facts arrived at by the Reference Court. **Hence, while maintaining the assessment of the land located abutting to National Highway and metalled road by the Reference Court, the market value of remaining land is reduced to Rs.14,30,000/- per acre. The market value of the land abutting both the roads is not being disturbed as in those cases sale deeds of residential and commercial small sized plots have been correctly relied upon the Reference Court. ”**

[8.1] 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 28.09.2021 in case of **Virender Singh and others' case (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.

[9] Disposed off in the above terms.

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

November 14, 2023

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**(HARKESH MANUJA)
JUDGE**

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