

RFA No. 828 of 2020 (O&M)
alongwith "14" connected cases

Neutral Citation No. 2023:PHHC:131101

255 (15 cases)

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

**RFA No. 828 of 2020 (O&M)
alongwith "14" connected cases*
Date of Decision: 09.10.2023**

Smt. Shakuntla Devi (deceased) through
her LRs and another

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shoaib Khan, Advocate,
Mr. Ram Kumar Saini & Mr. Ankit Saini, Advocates,
Mr. Balwinder Singh Sudan, Advocate,
Mr. Sukhwinder Singh Sudan, Advocate
for the appellants-landowners.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

Applications for condonation of delay in filing & re-filing the appeals

In RFA Nos. 828 of 2020; 1386 & 2545 of 2021; 878, 879, 880, 882, 617, 618, 665, 666, 959, 961 & 962 of 2022; applications have been filed for condonation of delay, ranging between 591-847 days, in filing the appeals, as the case may be; also in RFA Nos. 665 & 666 of 2022, applications have been filed for condonation of delay of 58 days' in re-filing the respective appeals.

In all the above applications, notice stood issued vide order dated 24.01.2023; however, no reply has been filed.

In RFA Nos. 1020 of 2022, application has been filed for condonation of delay of 845 days in filing the appeal, wherein notice is yet to be issued.

Issued notice of the application in above RFA-1020-2022.

Learned State Counsel accepts notice of the application and vehemently opposes the prayer made in all the applications.

I have heard learned counsel for the parties and gone through the contents of the applications, which have been supported by affidavit(s).

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 the same revenue estates to the tune of Rs. 1873/- per square yard (Rs.90,65,320/- per acre) for the land falling within 2 acres (440 feet) from the National Highway No.21-A and within the Municipal limits of Pinjore; whereas, for the land beyond the said distance or outside the Municipal limits, the market value was fixed @ Rs. 1500/- per square yard (Rs.72,60,000/- per acre) alongwith all statutory benefits, in view of judgment dated 10.01.2020 passed by this Court in ***RFA No. 1235 of 2018***, titled "***Smt. Ram Kaur Versus State of Haryana and another***".

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 applications; the same are **allowed** and the delay in re-filing & filing the appeal(s), as mentioned above, is hereby condoned, subject to denial of interest for the period the applicants-appellants did not approach this Court.

CM-5774-CI-2021 in RFA-2545-2021

Application is **allowed**, as prayed for, subject to all just exceptions. The applicants mentioned in para-2 of the application are ordered to be brought on record as legal representatives of appellant-Ram Kumari, who died on 14.06.2010.

MAIN APPEAL(S)

This order shall dispose off present *15 number of appeals (detail whereof is on the foot of the judgment), as the same arise out of common acquisition / award.

[2] The appellants / landowners, by instituting the present appeals preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act"), are seeking modification of the award dated 13.11.2017 passed by learned Additional District Judge, Panchkula (hereinafter to be referred as "Reference Court") for enhancement of compensation amount.

[3] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 30.11.2006, followed by Notification under Section 6 thereof issued on 28.11.2007, the land measuring 467.03 acres, including the land of appellant(s), situated in the revenue estate of nine (09) Villages, namely, Surajpur, Baglana, Pinjore, Abdullapur, Ratpur, Firozpur, Manakpur Devilal, Manakpur Nanakchand, Manakpur Thakardass, District Panchkula, was acquired. The public purpose for acquisition of land was stated to be development of Sectors 27, 28 & 30, Pinjore.

[4] The Land Acquisition Collector, Panchkula (for short "LAC"), vide Award No. 7 dated 26.11.2009, assessed the market value of acquired land @ Rs. 20 lakhs per acre for all kinds of land alongwith other statutory benefits.

[5] Dissatisfied with the aforesaid Award(s), landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 13.11.2017 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1478/- per square yard (Rs. 71,53,520/- per acre).

[6] Aggrieved thereof, appeals preferred by some other landowners, were disposed off by this Court on 10.01.2020, lead case of which was ***RFA No. 1235 of 2018***, titled "***Smt. Ram Kaur Versus State of Haryana and another***", whereby the compensation was modified / enhanced.

[7] It is contended by learned counsels for the appellants-landowners that present appeals are squarely covered with the judgment dated 10.01.2020 passed in ***Smt. Ram Kaur's case (supra)***, arising out of the same notification vide which the land of appellants was acquired.

[8] Learned State Counsel is not in a position to dispute the afore-stated factual position about judgment dated 10.01.2020 passed in ***Smt. Ram Kaur's case (supra)***; however, opposes payment of interest for the period, the appellants-landowners failed to approach this Court. He also submits that even the SLPs filed at the instance of landowners stood dismissed by the Hon'ble Apex Court.

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

[10] From the records, it is apparent that the present appeals are squarely covered with the judgment dated 10.01.2020 of ***Smt. Ram Kaur's case (supra)***, which is arising out of the same acquisition / Notification dated 30.11.2006 covering the same revenue estate(s), whereby the landowners have been held entitled for the modified / enhanced amount of compensation @ Rs. 1873/- per square yard (Rs. 90,65,320/- per acre), for

the land falling within 2 acres (440 feet) from the National Highway No. 21-A and within the Municipal limits of Pinjore, whereas for the land beyond the said distance or outside the Municipal limits, the market value was fixed @ Rs. 1500/- per square yard (Rs. 72,60,000/- per acre), along with all statutory benefits. For reference, the relevant para-71 (i) of judgment dated 10.01.2020 passed in case of **Smt. Ram Kaur (supra)** reads as under:-

“ 71. Relief:-

(i) Accordingly, for the notification dated 30.11.2006, market value is fixed @ **Rs. 1873/- per sq.yard (Rs.90,65,320/- per acre)**, for the land falling within 2 acres (440 feet) from the National Highway No.21-A and within the Municipal limits of Pinjore, at the time of Section 4 notification. For the land beyond the said distance or outside the Municipal limits, the market value would be @ **Rs.1500/- per sq.yard (Rs.72,60,000/- per acre)**, along with all statutory benefits. ”

[10.1] 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 10.01.2020 in case of **Smt. Ram Kaur (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.

[11] All the appeals are **disposed off** in the above terms.

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

October 09, 2023

‘dk kamra’

(HARKESH MANUJA)
JUDGE

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

RFA No. 828 of 2020 (O&M)
alongwith “14” connected cases

Neutral Citation No. 2023:PHHC:131101

Sr. No.	Case No.	Case Title
*1.	RFA-828-2020 (MAIN CASE)	SMT. SHAKUNTLA DEVI (DECEASED) THROUGH HER LR _s AND ANOTHER <u>VERSUS</u> STATE OF HARYANA AND ANOTHER
2.	RFA-1020-2022	SITA RAM (DECEASED) THROUGH LR _s AND OTHERS <u>VERSUS</u> STATE OF HARYANA AND ANOTHER
3.	RFA-1386-2021	VEENA RANI AND OTHERS <u>VERSUS</u> STATE OF HARYANA AND ANOTHER
4.	RFA-2545-2021	RAM KUMARI THROUGH LR _s <u>VERSUS</u> STATE OF HARYANA AND OTHERS
5.	RFA-617-2022	NORANG SINGH @ NARANG SINGH (DECEASED) THROUGH LR _s <u>VERSUS</u> STATE OF HARYANA AND ANOTHER
6.	RFA-618-2022	BHAG SINGH <u>VERSUS</u> STATE OF HARYANA AND ANOTHER
7.	RFA-665-2022	SMT. USHA RANI <u>VERSUS</u> STATE OF HARYANA AND ANOTHER
8.	RFA-666-2022	SMT. MANBHAWATI (DECEASED) THROUGH LR _s <u>VERSUS</u> STATE OF HARYANA AND ANOTHER
9.	RFA-878-2022	DALIP SINGH (SINCE DECEASED) THROUGH LR _s <u>VERSUS</u> STATE OF HARYANA AND OTHERS
10.	RFA-879-2022	BANT SINGH (SINCE DECEASED) THROUGH LR <u>VERSUS</u> STATE OF HARYANA AND OTHERS
11.	RFA-880-2022	BANT SINGH (SINCE DECEASED) THROUGH LR <u>VERSUS</u> STATE OF HARYANA AND OTHERS
12.	RFA-882-2022	BANT SINGH (SINCE DECEASED) THROUGH LR <u>VERSUS</u> STATE OF HARYANA AND OTHERS
13.	RFA-959-2022	HARDAM SINGH <u>VERSUS</u> STATE OF HARYANA AND ANOTHER
14.	RFA-961-2022	GURCHARAN SINGH <u>VERSUS</u> STATE OF HARYANA AND ANOTHER
15.	RFA-962-2022	LABH SINGH <u>VERSUS</u> STATE OF HARYANA AND ANOTHER

October 09, 2023
‘dk kamra’

(HARKESH MANUJA)
JUDGE