

RFA No. 29 of 2021 (O&M) and
RFA No. 30 of 2021 (O&M)

2023:PHHC:111170

337 (2 cases)

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

(1)

RFA No. 29 of 2021 (O&M)
Date of Decision: 22.08.2023

Major Singh

...Appellant

Versus

State of Haryana and another

...Respondents

(2)

RFA No. 30 of 2021 (O&M)

Mahima Singh

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sushil K. Sharma, Advocate
for the appellant(s) (in both cases).

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

This order shall dispose off present two appeals bearing
RFA Nos. 29 & 30 of 2021, 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
20.09.2018 passed by learned Additional District Judge, Panchkula

(hereinafter to be referred as "Reference Court") for enhancement of compensation amount.

[3] In pursuance to Haryana Govt. Notification under Section 4 of the Act issued on 16.03.1999, followed by Notification dated 15.03.2000 under Section 6 thereof, the land measuring 482.17 acres & 140.59 acres, including the land of appellant(s), situated in the revenue estate of Villages Bhainsa Tibba & Saketri (respectively), Tehsil & District Panchkula, was acquired. 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.

[4] The Land Acquisition Collector, Panchkula (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. Similarly, 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.

[5] Dissatisfied with the aforesaid Award(s), landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 31.10.2006 by learned Reference Court, whereby the market value of the acquired land was assessed @ 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.

[6] Thereafter, 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. Again dissatisfied, the landowners challenged the aforesaid award of the Reference Court.

[7] 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 certain specific observations and guidelines and also directed that the matters pertaining to earlier acquisitions should be decided first.

[8] Later on, 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. Aggrieved thereof, the appellants filed the present appeals.

[9] It is contended by learned counsel for the appellant(s) that present appeals are 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 order dated 10.08.2020 passed by Co-ordinate Bench in application bearing **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”.

[10] Learned State Counsel is not in a position to controvert the aforesaid factual aspect that the main appeals are covered in terms of judgment dated 27.05.2020 passed in case of **The Akash Cooperative Group Housing Society Ltd.-II (supra)** as well as correction order dated 10.08.2020 passed in **Fazal Mohd.’s case (supra)**.

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

[12] From the records, it is apparent that the present appeals are squarely covered with the judgment dated 27.05.2020 passed in case of **The Akash Cooperative Group Housing Society Ltd.-II (supra)** as well as correction order dated 10.08.2020 passed in **Fazal Mohd.’s case (supra)**, which are arising out of the same acquisition / Notification dated 16.03.1999 covering the same revenue estate, whereby the landowners have been held entitled for the compensation @ Rs. 498/- per square yard (Rs. 24,10,320/- per acre) along with all statutory benefits, while, 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 was fixed @ Rs. 26,99,558/- per acre (Rs. 558/- per square yard) along with all statutory benefits. For reference, the relevant para of order dated 10.08.2020 (*supra*) passed in **Fazal Mohd.’s case (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, 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 order dated 10.08.2020 passed in **Fazal Mohd.'s case (supra)** alongwith all other statutory benefits and interest thereupon as provided under the Act.

[13] **Disposed off** in the above terms.

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

August 22, 2023

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(HARKESH MANUJA)
JUDGE

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