

RFA No. 1259 of 2022 (O&M) and
RFA No. 1261 of 2022 (O&M)

2023:PHHC:115083

288 (2 cases)

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

(1) **RFA No. 1259 of 2022 (O&M)**
Date of Decision: 29.08.2023

Ganga Deen (since deceased) through LRs

...Appellants

Versus

State of Haryana and others

...Respondents

(2) **RFA No. 1261 of 2022 (O&M)**

Ramesh Chand through LRs

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepinder Singh Walia, Advocate
for the appellant(s) (in both cases).

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

Mr. Pritam Singh, Saini, Advocate
for respondent-HSIIDC.

HARKESH MANUJA, J.

CM-3293-CI-2022 in RFA-1259-2022
CM-3322-CI-2022 in RFA-1261-2022

Applications are **allowed**, as prayed for, subject to all just exceptions. The delay of three (03) days in filing the respective appeals is condoned.

MAIN APPEAL(S)

This order shall dispose off present two appeals bearing RFA Nos. 1259 & 1261 of 2022, 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 14.10.2021 passed by learned Additional District Judge, Rewari (hereinafter to be referred as “Reference Court”) for enhancement of compensation amount.

[3] In pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 08.06.2007, followed by Notification dated 27.02.2008 under Section 6 thereof, the land measuring 584 acres, including the land of appellant(s), situated in the revenue estate of Villages **Bawal**, Chirhara, Banipur and Rudh, District Rewari, was acquired. The public purpose for acquisition of land was stated to be development of Industrial Model Township, Phase-III, Bawal. The Land Acquisition Collector, Rewari (for short “LAC”), vide Awards dated 25.09.2008 & 29.09.2008, assessed the market value of acquired land @ Rs. 16 lakhs per acre in all the four villages.

[4] In first round, Reference Court by passing different awards dated 17.01.2015, 30.05.2015, 16.07.2015 & 28.07.2015, assessed the market value of the acquired land @ Rs. 22 lakhs per acre; however, these awards were set aside by this Court vide order dated 15.11.2017 passed in case titled **“Haryana State Industrial Development Corporation (now HSIIDC) Versus Ram Kanwar (deceased) through**

LRs and others” while remitted back the matter to Reference Court for deciding the matter afresh.

[5] In second round, Reference Court vide Award dated 14.10.2021 assessed the market value of the acquired land @ Rs. 32,26,914/- per acre. Aggrieved thereof, the appellants have preferred the present appeals.

[6] It is contended by learned counsel for the appellant(s) that present appeal is squarely covered with the judgment dated 13.09.2022 passed in **RFA No. 26 of 2022**, titled “**HSIIDC Versus Mohakam Ram and others**”, arising out of the same notification for the land situated in the revenue estate of Village Bawal, Tehsil Bawal, District Rewari.

[7] Learned State Counsel is not in a position to controvert the afore-stated factual aspect that the main appeals are covered in terms of judgment dated 13.09.2022 passed in **Mohakam Ram’s case (supra)**, however, opposes payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court.

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

[9] From the records, it is apparent that the present appeals are squarely covered with the judgment dated 13.09.2022 passed in **Mohakam Ram’s case (supra)**, which are arising out of the same acquisition / Notification dated 08.06.2007 covering the same revenue estate(s), whereby the landowners have been held entitled for the compensation @ Rs. 37,60,825/- for the land located upto the depth of two acres on the Delhi-Jaipur Highway as well as the land located on both the sides of Bawal-Rewari road. For reference, the relevant para of

decision dated 13.09.2022 passed in **Mohakam Ram's case (supra)**
reads as under:-

“ 6. DECISION

6.1 In view of the aforesaid detailed discussion, it is held that out of the acquired land, for the land located upto the depth of two acres on the Delhi-Jaipur Highway as well as the land located on both the sides of Bawal-Rewari road, the landowners shall be entitled to compensation @ Rs.37,60,825/-, whereas, for the remaining land, the applications filed by the concerned landowners, under Section 18 of the 1894 Act, shall stand dismissed. Consequently, the appeals filed by HSIIDC shall stand allowed with respect to the acquired land located in the interior i.e. remaining acquired land apart from the land located upto depth of two acres abutting the Delhi-Jaipur Highway and the land located on both the sides of Bawal-Rewari Road.”

[9.1] 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 decision dated 13.09.2022 passed in **Mohakam Ram's 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.

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

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

August 29, 2023

(HARKESH MANUJA)
JUDGE

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