

271 (2 cases)

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

**(1) RFA No. 925 of 2023 (O&M)
Date of Decision: 01.08.2023**

Yadu @ Yadram (since deceased) through
his LRs and others

...Appellants

Versus

State of Haryana and others

...Respondents

(2) RFA No. 941 of 2023 (O&M)

Umrao Singh and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bhwnesh Lakhera, Advocate
for the appellants (in RFA-925-2023).

Mr. Abhishek Yadav, Advocate
for the appellants (in RFA-941-2023)

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-2848-CI-2023 in RFA-925-2023

Prayer in the present application under Order 22
Rule 3 read with Section 151 CPC, is for impleadment of legal
heirs of appellant No. 1-Yadu @ Yadram, who died on
12.05.2021.

Application is **allowed**, as prayed for subject to all just exceptions. The persons mentioned in para-2 of the application are ordered to be impleaded as LR's of above appellant.

CM-2873-CI-2023 in RFA-941-2023;

Prayer in the present application under Order 22 Rule 3 read with Section 151 CPC, is for impleadment of legal heirs of appellant No. 3-Jagdish Chand.

Application is **allowed**, as prayed for subject to all just exceptions. The persons mentioned in para-2 of the application are ordered to be impleaded as LR's of above appellant.

CMs-2846-47-CI-2023 in RFA-925-2023;
CM-2871-CI-2023 in RFA-941-2023

CM No. 2846-CI of 2023 & CM No. 2847-CI of 2023 are for condonation of delay of 28 days & 03 days in re-filing & filing the RFA No. 925 of 2023 respectively.

CM No. 2871-CI of 2023 is for condonation of delay of 344 days in filing the RFA No. 941 of 2023.

Notice of the applications.

Learned State Counsel accepts notice of the application on behalf of non-applicants/respondents-State and opposes the prayer made in the present applications.

I have heard learned counsel for the parties and gone through the pleadings.

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 **Villages Karnawas, Deodhai, Assalwas, Bakthala, Patuhera, Banipur, Suthni, Rudh and Bawal**, to the tune of Rs. 63,77,623/- per acre for the land upto the depth of two acres located on the National Highway, in view of judgment dated 27.09.2022 passed by this Court in **RFA No. 494 of 2022**, titled **“HSI IDC Versus Babu Lal and others”**. Moreso, the award of Land Acquisition Collector, Rewari, offering Rs. 16,00,000/- per acre to the landowners whose land were located beyond the depth of two acres from the National Highways on both sides, was also upheld vide decision (supra) by this Court.

Based thereupon, applying the principle of parity, besides awarding just and fair compensation, the landowners / applicants being similarly situated, are entitled for grant of similar amount of compensation, however, without any payment of interest for the period they failed to approach this Court after the decision of the Reference Court. In this regard reliance can be placed 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**.

In view of the discussion made hereinabove as well as contents of the applications, the same are **allowed** and delay, of re-filing & filing in the respective appeal(s), as mentioned above, are hereby condoned.

MAIN APPEAL(S)

[1] This order shall dispose off present two appeals bearing RFA Nos. 925 & 941 of 2023, as the same arise out of common acquisition.

[2] Present appeals have been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) to modify the impugned award dated 14.10.2021 passed by learned Additional District Judge, Rewari (hereinafter to be referred as “Reference Court”) and for enhancement of the compensation amount.

[3] Paper-book reveals that State of Haryana issued a Notification dated 31.10.2008 under Section 4 of the Act for acquisition of land measuring 5439 kanals, including land of appellants, situated in **Villages Asalwas and Pathuhera, Tehsil Bawal, District Rewari**, which was followed by a declaration dated 08.07.2009 under Section 6 thereof. The public purpose for acquisition of land was stated to be Extension of Industrial Growth Centre, Bawal, to be planned as an integrated complex for industrial, recreational and other public utilities by Haryana

State Industrial & Infrastructure Development Corporation (for short “HSI IDC”).

[4] The Land Acquisition Collector, Rewari (for short “LAC”), vide Award Nos. 1, 2, 4, 7, 8 & 9 pronounced from 16.03.2010 to 22.03.2010, assessed the market value of acquired land @ Rs. 16 lakhs per acre in respect of Villages Deodhai, Karnawas, Asalwas, Pathuhera, Banipur and Bagthala besides grant of statutory benefits.

[5] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act. Resultantly, the dispute was forwarded to the Reference Court for determination of the market value of the acquired land.

[6] Learned Reference Court, while passing the impugned award dated 14.10.2021, accepted 130 reference petitions including the one filed by appellants and assessed the market value of the acquired land @ Rs. 39,49,248/- per acre alongwith other statutory benefits. Aggrieved thereof, the appellants preferred the present appeal.

[7] It is contended by learned counsel for the appellants that present appeals are squarely covered with the judgment dated 27.09.2022 passed in ***RFA No. 494 of 2022, titled “HSI IDC Versus Babu Lal and others*”**, arising out of the same notification, vide which the land of appellants had been acquired.

[8] Notice of motion.

[9] Learned State Counsel accepts notice on behalf of the respondents-State and does not dispute the factual aspects besides the disposal of main appeal in terms of judgment dated 27.09.2022 (*supra*); however, opposes payment of interest for the period, the applicants-appellants failed to approach this Court after the decision of Reference Court.

[10] Heard learned counsel for the parties and perused the paper-book.

[11] Learned counsel for the parties are *ad idem* that present appeal is squarely covered with the judgment dated 27.09.2022 passed in case of ***Babu Lal & others (supra)***, which is arising out of the same acquisition / Notification dated 31.10.2008 covering the same revenue estates i.e. **Villages Asalwas and Pathuhera, Tehsil Bawal, District Rewari**, whereby the landowners have been held entitled for the enhanced amount of compensation to Rs. 63,77,623/- per acre for the acquired land located upto the depth of 2 acres from the National Highway-8, while upholding the award passed by LAC offering to pay Rs. 16 lakhs per acre for the land located beyond the depth of two acres from the National Highway on both sides. For reference, the relevant para-6.1 of judgment dated 27.09.2022 (*supra*) reads as under:-

“ 6. DECISION

6.1 Keeping in view the aforesaid facts, the award passed by the LAC offering Rs.16,00,000/- per acre to the landowners whose land is located beyond the depth of two acres from the National Highway on both sides is upheld and the award of the RC with respect to such landowners is set aside, whereas, the assessment of the RC with respect to the remaining land which is located upto the depth of 2 acres from the National Highway-8 is modified. Accordingly, the market value for the landowners whose land is located on the National Highway upto the depth of two acres is assessed @ Rs.63,77,623/- per acre. ”

[11.1] Based upon the above, applying the principle of parity, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded vide judgment dated 27.09.2022 (*supra*), besides all other statutory benefits and interest thereupon as provided under the Act, except interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[12] In view of the aforesaid discussion, the controversy being squarely covered with the judgment dated 27.09.2022 passed in case of **Babu Lal & others** (*supra*), present appeals are **disposed off** in the same terms, based on the agreed stand taken by both sides.

[13] Needless to say that relief granted or declined in the said case shall be, accordingly, granted or declined to the appellants in the present appeals besides they are not being entitled for interest *qua* the period of delay in filing the present appeals.

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

August 01, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

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