

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

**RFA No.2705 of 2007 (O&M)
Date of Decision: 30.05.2023**

State of Haryana and others

..... Appellants

Versus

Diwana (deceased) through LR's and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Shivendra Swaroop, DAG, Haryana for the appellants.

Mr. S.P.Khatri & Mr. Anil Dutt, Advocates
for the applicants/respondents.

MAHABIR SINGH SINDHU, J.

CM-2435-CI-2023

Application for disposal of the main appeal in terms of judgment dated 09.02.2023, passed by the Hon'ble Supreme Court in Civil Appeal No.4759 of 2011, titled as "**Jeet Singh and others Versus State of Haryana and another**", along with other connected cases.

Notice of the application to the non-applicants/appellants had already been issued vide order dated 25.05.2023.

Learned State Counsel after going through the judgment is not able to controvert the submission made by learned Counsel for the applicants/respondents.

In view of above and for the reasons mentioned in the application, the same is allowed subject to all just exceptions. Main case is taken on Board today itself.

MAIN CASE

Present Regular First Appeal has been filed under Section 54 of the Land Acquisition Act, 1894 (*for short 'Act'*) for modification of the impugned Award dated 09.04.2007, passed by learned Additional District Judge, Sonapat (*for short 'ADJ'*), and to reduce the compensation.

(2) Facts are not in dispute.

(3) It transpires that Government of Haryana issued Notification dated 16.05.1996, under Section 4 of the Act, for acquisition of land of three Villages i.e. Kalupur, Kabirpur and Shadipur, for public purpose i.e. construction of Bye-Pass from Sonapat-Rathdhana Road to Meerut-Sonapat Road in District Sonipat, and which was followed by a declaration dated 12.08.1997/19.08.1997 under Section 6 thereof.

(4) The land of the respondents, situated in Village Kabirpur, Hadbast No.69, Tehsil & District Sonipat, forming part of the land measuring 2.28 Acres, was also acquired vide aforesaid Notification(s) and the Land Acquisition Collector (*for short 'LAC'*) assessed the compensation @ ₹ 3 Lakh per acre, vide award dated 04.08.1999.

(5) Aggrieved against the above award, some landowner(s) invoked reference under Section 18 of the Act, whereby compensation was enhanced @ ₹ 120/- per sq. yd. along with other statutory benefits, vide common award dated 13.09.2004.

Although, land of the respondents was acquired vide above Notification; but, they could not file reference under Section 18 of the Act. However, later on, the respondents invoked recourse to Section 28A of the Act, which was accepted by learned Reference Court and the compensation was enhanced in terms of award dated 13.09.2004 @ ₹ 120/- per sq. yd. along with other statutory benefits on 09.04.2007. Present appeal is for reduction of the compensation.

(6) Learned Counsel for the respondents submits that present controversy is squarely covered with the judgment dated 09.02.2023, passed by the Hon'ble Supreme Court in Civil Appeal No.4759 of 2011, titled as "**Jeet Singh and others Versus State of Haryana and another**", along with other connected cases.

Learned State Counsel for the appellants after going through the aforesaid judgment is also not able to controvert the factual as well as legal submissions made on behalf of the respondents to that effect.

(7) This Court has gone through the paper-book along with the judgment of Hon'ble Supreme Court and after careful consideration of the matter fully convinced that present controversy is covered with the **Jeet Singh's case** (*supra*) and for reference, relevant part of the same reads as under:-

"12. In our considered view, the acquisition of the appellants' land being later in time, they are entitled to compensation higher than the rate of Rs.225/- per square yard. Ordinarily, this Court would have applied the principle of 12% annual appreciation, however, the acquisition in the instant case being of two small parcels of land, we are satisfied that the ends of justice would be adequately met if the appellants are granted compensation at the rate of Rs.250/- per square yard, besides other statutory benefits as admissible under the Land Acquisition Act, 1894. Ordered accordingly.

13. *Consequently, the appeals are allowed to the extent that the appellants are held entitled to compensation at the rate of Rs.250/- per square yard for the acquired land. In addition, they shall be entitled to solatium, additional amount, interest at the same rate as has been awarded by the Reference Court vide Award dated 14.09.2004.*

14. *The Reference Court is directed to re-calculate the amount of compensation payable to the appellants within a period of one month from the date of receipt/production of a copy of this Order. The enhanced amount of compensation shall be deposited by the State of Haryana before the Reference Court within two months thereafter, which shall be disbursed to the appellants without any delay.”*

(8) Undisputedly, the land of respondents is falling within the Revenue Estate of Village i.e. Kabirpur, acquired vide Notification dated 16.05.1996, and situated in the same vicinity as the land which was subject matter of consideration in **Jeet Singh’s case** (*supra*); wherein compensation has been enhanced to the tune of ₹ 250/- per square yard along with other statutory benefits.

Also noteworthy that RFA No.3605 of 2008, filed by the respondents, has also been disposed off vide order of even date in terms of **Jeet Singh’s case** (*supra*); hence, there is no occasion to reduce the compensation while entertaining the present appeal at the instance of the State of Haryana.

(9) Consequently, present appeal is disposed off accordingly.

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

May 30th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No