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

**RFA No. 2104 of 2021 (O&M)  
Date of Decision: 10.08.2023**

Balwant (since deceased) through LRs

...Appellants

**Versus**

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: None for the appellants.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

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**HARKESH MANUJA, J. (ORAL)**

**CM-4800-CI-2021**

Application is **allowed**, as prayed for, subject to all just exceptions. Exemption from filing the certified / true typed copy of award dated 16.08.2014 passed by learned Additional District Judge, Fatehabad, is granted.

**CM-4802-CI-2021**

Prayer in the present application under Order 22 Rule 3 read with Section 151 CPC, is for impleadment of legal heirs of appellant-Balwant.

Application is **allowed**, as prayed for, subject to all just exceptions. The persons mentioned in para-1 of the application are ordered to be impleaded as LR's of above appellant.

**CM-4799-CI-2021**

Prayer in the present application under Section 151 CPC, is for condonation of delay of 1854 days in filing the appeal.

Upon notice, reply has been filed today, which is taken on record.

Learned State Counsel opposes the prayer made in the application.

After perusing the records, it transpires that 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 same revenue estate of Village Basti Bhiwan, Tehsil & District Fatehabad, to the tune of Rs. 50 lakhs per acre, in view of judgment dated 22.09.2015 passed by this Court in **RFA No. 9626 of 2014**, titled **“Hanuman Singh Versus State of Haryana & Ors”**.

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 application, the same is **allowed** and delay of 1854 days in filing the appeal is hereby condoned.

**MAIN APPEAL**

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) to modify the impugned award dated 16.08.2014 passed by learned Additional

District Judge, Fatehabad (hereinafter to be referred as “Reference Court”) and for enhancement of the compensation amount.

**[2]** It is averred that in pursuance to Haryana Govt. Notification dated 12.02.2008 issued under Section 4 of the Act, the land measuring 82.91 acres, situated in Villages Dhanger, Basti Bhiwan, Barseen and Matana, Tehsil & District Fatehabad, for construction of bypass road adjacent to Sectors 4, 5, 5 Part and 7A Part, Fatehabad, was sought to be acquired. The above notification was followed by a declaration dated 13.02.2008 under Section 6 thereof. The land of appellants herein is stated to be falling in the revenue estate of **Village Basti Bhiwan**, Tehsil & District Fatehabad. The Land Acquisition Collector, Fatehabad (for short “LAC”), vide Award dated 30.12.2008, assessed the market value of the acquired land pertaining to Village Basti Bhiwan @ Rs. 17,00,000/- per acre for Nehri/Chahi/Gair Mumkin Rasta and upto depth of 2 acres from the road in khasra No. 137//10, 11, 12, 13, 16/2, 17, 18, 19, 138//6 and 15 and Rs. 12,00,000/- per acre for other land.

**[3]** Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide Award dated 16.08.2014 by learned Reference Court, whereby the market value of the acquired land was assessed @ Rs. 43,20,000/- per acre besides grant of statutory benefits. Aggrieved thereof, the appellants preferred the present appeal.

**[4]** From the records it is made out that present appeal is squarely covered with the judgment dated 22.09.2015 passed in ***RFA No. 9626 of 2014, titled “Hanuman Singh Versus State of Haryana***

**and others**", arising out of the same notification, vide which the land of appellants had been acquired.

[5] Learned State Counsel is not in a position to controvert the factual position about the disposal of the main appeal in terms of judgment dated 22.09.2015 (*supra*); however, opposes payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court.

[6] I have heard learned State Counsel and perused the paper-book.

[7] It is not in dispute that present appeal is squarely covered with the judgment dated 22.09.2015 passed in **Hanuman Singh's case (*supra*)**, which is arising out of the same acquisition / Notification dated 12.02.2008 covering the same revenue estate **i.e. Village Basti Bhiwan, Tehsil & District Fatehabad**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs 50 laksh per acre. For reference, the relevant paras 27 to 29 of judgment dated 22.09.2015 passed in Hanuman Singh's case (*supra*) reads as under:-

“ .....  
27. Considering the aforesaid material and also keeping in view the potentiality of the land, in my opinion, applying a thumb rule, the landowners in the present case deserve to be granted compensation @ Rs. 50,00,000/- per acre.

28. As far as claim for severance is concerned, learned counsel for the landowners has not been able to point out that the land pertaining to any of the landowner has been bifurcated. The reason being that major portion of the land acquired for construction of bye-pass is adjoining to the land acquired for development as

Sectors 4, 5 and 7A, hence, there is no question of any severance. In the absence thereof, the claim with regard to award of damages on account of severance is declined.

29. For the aforesaid reasons, it is held that the landowners shall be entitled to compensation @ Rs. 50,00,000/- per acre. They shall also be entitled to all statutory benefits available to them under the Act.

30. The appeals are disposed of, accordingly.”

[7.1] 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 to others vide judgment dated 22.09.2015 in case of **Hanuman Singh (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.

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

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

**August 10, 2023**

‘dk kamra’

**( HARKESH MANUJA )  
JUDGE**

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