

286

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

**RFA No. 1296 of 2022 (O&M)
Date of Decision: 08.08.2023**

Lal Chand

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajiv Sharma, Advocate
for the applicant-appellant.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana
for respondent Nos. 1 & 2.

Mr. Pritam Singh Saini, Advocate
for respondent Nos. 3 & 4.

HARKESH MANUJA, J. (ORAL)

CM-3450-CI-2022

Application is **allowed**, as prayed for, subject to all just
exceptions.

Exemption from filing the certified copy of impugned
award dated 06.04.2015 passed by learned Additional District Judge,
Jhajjar, is granted.

CM-3451-CI-2022

Application is **allowed**, as prayed for, subject to all just
exceptions.

The document / judgment dated 31.07.2017 passed in
RFA-6066-2015 is taken on record.

CM-3449-CI-2022

Prayer in the present application under Section 151 CPC, is for condonation of delay of 1946 days in filing the appeal.

Upon notice, no reply has been filed.

Learned State Counsel opposes the prayer made in the present application.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by an affidavit of the applicant-appellant.

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 same revenue estate, to the tune of Rs. 61,94,097.45 paisa per acre, in view of judgment dated 31.07.2017 passed by this Court in ***RFA No. 6066 of 2015***, titled ***“Bhagwat Sarup and others Versus State of Haryana and others”***.

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 1946 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 06.04.2015 passed by learned Additional District Judge, Jhajjar (hereinafter to be referred as "Reference Court") and for enhancement of the compensation amount.

[2] Paper-book reveals that State of Haryana issued a Notification dated 25.07.2006 under Section 4 of the Act for acquisition of land measuring 1433 kanals and 6 marlas (179.425 acres), including the land of applicant-appellant, situated in **Village Kassar, Tehsil Bahadurgarh, District Jhajjar** The above notification was followed by a declaration dated 14.06.2007 under Section 6 thereof for acquiring the land measuring 1412 kanals and 12 marlas i.e. 177.1 acres. The public purpose for acquisition of land was stated to be for setting up an Industrial Estate, Bahadurgarh, to be planned and developed as an integrated complex for industrial and other public utilities etc.

[3] The Land Acquisition Collector, Rohtak (for short "LAC"), vide Award No. 9, dated 14.02.2008, assessed the market value of acquired land @ Rs. 16 lakhs per acre for all types of land alongwith statutory benefits.

[4] 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.

[5] Learned Reference Court, while passing the impugned award dated 06.04.2015, accepted 62 reference petitions including the one filed by appellant and assessed the market value of the acquired land @ Rs. 50 lakhs per acre besides grant of statutory

benefits. Aggrieved thereof, the appellant preferred the present appeal.

[6] It is contended by learned counsel for the appellant that present appeal is squarely covered with the judgment dated 31.07.2017 passed in **RFA No. 6066 of 2015, titled “Bhagwat Sarup and others Versus State of Haryana and others”**, arising out of the same notification, vide which the land of appellant had been acquired.

[7] Learned State Counsel as well as counsel for respondent-HSIIDC are not in a position to controvert the factual position about the disposal of the main appeal in terms of judgment dated 31.07.2017 (*supra*); however, opposes payment of interest for the period, the applicant-appellant failed to approach this Court after the decision of Reference Court.

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

[9] It is not in dispute that present appeal is squarely covered with the judgment dated 31.07.2017 passed in **Bhagwat Sarup’s case (*supra*)**, which is arising out of the same acquisition / Notification dated 25.07.2006 covering the same revenue estate **i.e. Village Kassar, Tehsil Bhadurgarh, District Jhajjar**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 61,94,097.45 paisa per acre. For reference, the relevant para of judgment dated 31.07.2017 (*supra*) reads as under:-

“

.....

That being so, the appeals preferred by the claimant/landowners are disposed of in the above terms, i.e. the landowners shall be entitled to compensation at Rs.61,94,097.45p. per acre. Needless

to assert that the claimant/landowners shall also be entitled to all the statutory benefits as are admissible in law. And a necessary consequence, the appeals preferred by HSIIDC are dismissed. ”

[9.1] Based upon the above, applying the principle of parity, the landowner / appellant being similarly situated is held entitled for grant of similar amount of compensation as has been awarded vide judgment dated 31.07.2017 in case of ***Bhagwat Sarup (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.

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

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

August 08, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

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