

**RFA-548-2023 (O&M) &
RFA-630-2023 (O&M)**

--1--

270(2 cases) **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Decided on:-05.07.2023

1. RFA-548-2023 (O&M)

Shadi Ram and othersAppellants..
vs.

State of Haryana and othersRespondents.

2. RFA-630-2023 (O&M)

Rameshwar Dayal and othersAppellants..
vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bhawnesh Lakhera, Advocate for the appellants
(in both the appeals).

Mr. Shivendra Swaroop, DAG, Haryana,
for respondents No.1 and 2-State.

Mr. Pritam Singh Saini, Advocate,
for respondents No.3 (in RFA-548-2023) and
for respondents No.3 and 4 (in RFA-630-2023).

HARKESH MANUJA J.

CM-1852-CI-2023 in RFA-548-2023

Prayer in this application is for condonation of delay of 108 days
in filing the appeal.

At the outset, learned counsel for the applicants-appellants submits
that at this stage, service upon respondents No.4 to 37 is not required, they
being proforma respondents, having right to file their independent appeals.

Accordingly, the service upon respondents No.4 to 37 is dispensed

**RFA-548-2023 (O&M) &
RFA-630-2023 (O&M)**

--2--

with, at this stage.

Notice of the application to respondents No.1 to 3.

Mr. Shivendra Swaroop, DAG, Haryana accepts notice on behalf of respondents No.1 and 2-State whereas Mr. Pritam Singh Saini, Advocate accepts notice on behalf of respondent No.3 and submit that they do not wish to file reply to the application.

In view of the above, having gone through the contents of the application, duly supported by an affidavit, sufficient cause has been made out for the purpose of condoning the delay of 108 days in filing the appeal. Accordingly, delay of 108 days in filing the appeal is condoned.

CM stands disposed of.

CM-2127 & 2128-CI-2023 in RFA-630-2023

Prayer in these applications is for condonation of delay of 28 days in refiling as well as delay of 05 days in filing the appeal.

Notice of the applications.

Mr. Shivendra Swaroop, DAG, Haryana accepts notice on behalf of respondents No.1 and 2-State whereas Mr. Pritam Singh Saini, Advocate accepts notice on behalf of respondents No.3 and 4 and submit that they do not wish to file reply to the applications.

In view of the above, having gone through the contents of the applications, duly supported by affidavits, sufficient cause has been made out for the purpose of condoning the delay of 28 days in refiling as well as delay of 05 days in filing the appeal. Accordingly, delay of 28 days in refiling as well as delay of 05 days in filing the appeal is condoned.

CMs stand disposed of.

**RFA-548-2023 (O&M) &
RFA-630-2023 (O&M)**

--3--

RFA-548-2023 and RFA-630-2023

1. This judgment shall dispose of, aforementioned two regular second appeals as the facts involved in both these appeals are identical and pertaining to acquisition of land situated in village Asalwas, Tehsil Bawal and District Rewari.

2. In the present case, land owned by the appellant(s) situated in the revenue estate of village Asalwas, Tehsil Bawal & District Rewari was acquired vide notification No.32/11/2008-4-IB-1 dated 30.10.2008 (wrongly mentioned as 31.10.2008 in the judgment passed by the reference court) issued under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”) followed by notification No.32/11/2008-4-IB-1 dated 08.07.2009, under Section 6 of the Act, for the purpose of extension of Industrial Growth Centre, Bawal. Vide award No.9 dated 22.03.2010, the Land Acquisition Collector, fixed the market value of the acquired land situated in village Asalwas at the rate of Rs.16 lakhs per acre, besides other statutory benefits.

3. Aggrieved thereof, the appellant(s) filed their respective references under Section 18 of the Act, seeking enhancement of compensation, which was finally determined by reference Court vide judgment dated 14.10.2021 by fixing the market value of the acquired land situated at Village Asalwas at the rate of Rs.39,49,248/- per acre besides granting other statutory benefits under the act.

4. By way of present appeals, the aforesaid award dated 14.10.2021 passed by the reference Court has been impugned by the appellants/landowners seeking further enhancement of compensation on the

ground stated in the appeals.

**RFA-548-2023 (O&M) &
RFA-630-2023 (O&M)**

--4--

5. Learned counsel representing respondents-HSIIDC has pointed out that present cases are squarely covered by a decision dated 27.09.2022 passed in RFA No.494-2022 and other connected cases, wherein, the matter relating to acquisition vide same notification has been decided to the following effect:-

“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.”

6. I have heard learned counsel for the parties and gone through the paper book as well as the judgment dated 27.09.2022, passed by this Court in RFA-494-2022 and other connected cases.

7. A perusal of judgment dated 27.09.2022, clearly shows that this Court while dealing with the appeals filed by the other land owners pertaining to the same acquisition i.e. notification No. No.32/11/2008-4-IB-1 dated 30.10.2008, issued under Section 4 of the Act, including Village Asalwas, Tehsil Bawal & District Rewari has assessed market value of the acquired land in the aforesaid manner, thus, I see no reason to differ with the aforesaid. Resultantly, the present appeals are disposed of in terms of judgment dated 27.09.2022, passed in RFA-494-2022.

05.07.2023
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No