

CM No. 802-CI of 2023 in/and
RFA No. 4572 of 2012 (O&M)

Neutral Citation No. 2023:PHHC:128703

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

**CM No. 802-CI of 2023 in/and
RFA No. 4572 of 2012 (O&M)
Date of Decision: 04.10.2023**

Balbir

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashwani Gaur, Advocate
for the applicant-appellant / landowner

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

Mr. Udit Jain, Advocate
for respondent No. 5.

HARKESH MANUJA, J.

The main appeal, alongwith a batch of appeals, was disposed off vide order dated 03.11.2015, lead case of which was **RFA No. 5360 of 2011**, titled “**Kehar Singh Versus State of Haryana and others**”.

[2] Now, by filing application bearing CM No. 802-CI of 2023 under Section 151 CPC moved on behalf of the applicant-appellant / landowner, prayer is for re-deciding / disposing off the appeal in terms of judgment dated **05.07.2019 (Annexure A-1)** passed by this Court in **RFA No. 4101 of 2008**, titled “**HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Versus Rajesh Kumar-II and others**”.

[3] Upon notice of the application, no reply has been filed on behalf of the respondents.

[4] At the outset, learned State Counsel is not in a position to dispute the factual position *qua* determination of compensation in the present acquisition being covered in terms of judgment dated 05.07.2019 passed in case of ***Rajesh Kumar-II (supra)***.

[5] I have heard learned counsel for the parties and gone through the paper-book as well as records.

[6] From the perusal of records, it transpires that main appeal was disposed off on 03.11.2015 alongwith bunch of appeals, lead case of which was ***Kehar Singh's case (supra)***, which stood remitted back vide order dated 12.01.2018 passed by the Hon'ble Supreme Court in ***Civil Appeal Nos. 471-472 of 2018***, titled ***"Mange (deceased) through LRs Versus State of Haryana and others"***. Thereafter, a bunch of appeals, the lead case of which was ***Rajesh Kumar-II (supra)***, was disposed off by this Court vide judgment dated 05.07.2019 (***A-1***) with regard to eight (08) different notifications issued under Section 4 of the Act including the acquisition proceedings involved in the present case as notified on 17.11.2005. It is also discernible from the records that against the judgment dated 05.07.2019 (*supra*), SLP (C) Dairy No. 45108 of 2019, titled ***"Vinod and others Versus State of Haryana and others"*** filed by some other landowners, stood dismissed vide order dated 14.02.2020. In the case of ***Rajesh Kumar-II (supra)***, this Court re-assessed the compensation *qua* the Notification dated 17.11.2005 and the relevant para-189 (iv) thereof reads as under:-

“ 189.

(i) to (iii)

(iv) *For the fifth notification dated 17.11.2005, for the land falling upto the depth of 2 acres (440 feet) of the National Highway, market value is assessed @ Rs.38,50,000. For the other land falling in Villages Badh Khalsa, Firozepur Khadar, Abaspur, Badh Malik and Patla, the market value is assessed @ Rs.35,00,000/-*

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along with all statutory benefits. For Villages Jakholi, Sewli, Khewda and Bahalgarh, the market value is assessed @ Rs.31,50,000/- per acre along with all statutory benefits.

(v) to (ix)”

[6.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowners / applicants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 05.07.2019 in case of **Rajesh Kumar-II (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act.

[7] In view of the above, present application is **allowed**; the earlier order dated 03.11.2015 is recalled; the main appeal is taken on board today itself and **disposed off** in terms of order dated 05.07.2019 passed in case of **Rajesh Kumar-II (supra)**.

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

October 04, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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