

RFA No. 1403 of 2022 (O&M)
alongwith '81' connected cases

2023:PHHC:108725

313+322+333

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

RFA No. 1403 of 2022 (O&M)
alongwith 81 connected cases*
Date of Decision: 21.08.2023

Nasruddin @ Nasru through his LRs and another

...Appellants

Versus

Financial Commissioner, Principal Secretary to
Government of Haryana, Irrigation Department, Chandigarh
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mazlish Khan, Advocate
for the landowners.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-3931-CI-2022 in RFA-1403-2022

Prayer in the present application is for impleading the
legal heirs of appellant No.2-Rehmuddin @ Rehmu (deceased).

Notice of the application.

Learned State Counsel accepts notice on behalf of the
non-applicant/respondent and raises no objection to the application
for impleading the LRs of above appellant.

In view of the above and for the reasons mentioned in the
application, which is duly supported by an affidavit, the same is
allowed and the persons mentioned in para-2 of the application are

ordered to be impleaded as legal heirs of appellant No.2, for the purpose of pursuing the present appeal.

CM-3930-CI-2022 in RFA-1403-2022
CM-191-CI-2023 in RFA-60-2023 and
CM-194-CI-2023 in RFA-61-2023

CM-3930-CI-2022 and CM-191-CI-2023 have been moved on behalf of the applicant-landowner(s) for condonation of delay of 78 days in filing the respective appeals, whereas CM-194-CI-2023 has been filed for condonation of delay of 164 days in filing the above noted appeal.

Despite notice, no reply has been filed.

After having gone through the contents of the applications, which are duly supported by the affidavit(s), sufficient cause has been made out for the purpose of condoning the delay, as mentioned above, in filing the respective appeals. Accordingly, the aforesaid delay in filing the respective appeals is condoned.

Applications are **disposed off**.

Applications for condonation of delay in State Appeals

Applications have been filed for condonation of delay of 262-295 in filing the appeals against the award dated 02.04.2022 passed by the Reference Court, Nuh.

Upon notice, no reply has been filed.

In view of the averments made in the applications, which are duly supported by the affidavits, the same are **allowed**. The delay of 262-295 days in filing the appeals, as the case may be, is hereby condoned.

MAIN APPEAL(S)

This order shall dispose of a bunch of *82 appeals (details whereof are at the foot of the order), out of which 07 are filed by the landowners and 75 filed by the State of Haryana.

[2] In the appeals filed by the landowners, they are seeking further enhancement of compensation for the acquired land, whereas in the appeals filed by the State, the prayer is for reduction thereof while challenging the award dated 02.04.2022 passed by learned Additional District Judge, Nuh (hereinafter to be referred as "Reference Court").

[3] Present set of appeals relate to acquisition proceedings arise out of Notification dated 18.11.2013, issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"), followed by award No.1 dated 30.01.2015, whereby the market value of the acquired land was assessed as Rs. 22,00,000/- per acre. The Reference Court enhanced the compensation to Rs. 29,04,000/- per acre, besides other statutory compensation.

[4] Learned State Counsel relies upon decision dated 13.12.2022 passed by this Court in ***RFA No. 1107 of 2022***, titled ***"Mohd. Sahood (deceased) through his LRs and Ors. Versus Financial Commissioner and Ors."***, to contend that the impugned award passed by the Reference Court already stands set aside and the matter has been remanded back to the Reference Court for fresh adjudication, which fact could not be disputed by the learned counsel representing the landowners.

[5] In view of the aforementioned un-controverted position, relying upon the order dated 13.12.2022 passed in case of **Mohd. Sahood (deceased) through his LRs (supra)**, the impugned award dated 02.04.2022 passed by the Reference Court is set aside and the matter is remanded back to the Reference Court for fresh adjudication.

[6] The parties through their counsels are directed to appear before the Reference Court on 04.10.2023.

[7] The Reference Court is requested to decide the matter afresh within a period of six months from today.

[8] All appeals are **disposed off**, accordingly.

Pending applications shall also stand disposed off.

August 21, 2023

'sonika / dk kamra'

(HARKESH MANUJA)
JUDGE

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

Sr. No.	Case No.	Case Title
*1.	RFA-1403-2022	Nasruddin @ Nasru (since deceased) through LRs and others <u>Versus</u> Financial Commissioner Principal Secretary To Govt. of Haryana and others
2.	RFA-60-2023	Mohammad Usman through LRs and others <u>Versus</u> Financial Commissioner Principal Secretary To Govt. of Haryana and others
3.	RFA-61-2023	Umardin And others <u>Versus</u> F.C., Pr. Secretary To Govt. of Haryana and others
4.	RFA-230-2023	Financial Commissioner and others <u>Versus</u> Bundu and others
5.	RFA-231-2023	Financial Commissioner and others <u>Versus</u> Nasruddin and another
6.	RFA-232-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Najir Ahmed and others
7.	RFA-233-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Mohammad Iliyash Deceased Through LRs

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8.	RFA-234-2023	Financial Commissioner and Principal Secretary To Govt. of Haryana and others <u>Versus</u> Umardin and others
9.	RFA-235-2023	Financial Commissioner And others <u>Versus</u> Haroon and others
10.	RFA-237-2023	Financial Commissioner and others <u>Versus</u> Yakub
11.	RFA-238-2023	Financial Commissioner and others <u>Versus</u> Ayyub and others
12.	RFA-239-2023	Financial Commissioner and others <u>Versus</u> Mohammad Lliyash Deceased Through His LRs
13.	RFA-240-2023	Financial Commissioner and others <u>Versus</u> Mohammad and another
14.	RFA-241-2023	Financial Commissioner and others <u>Versus</u> Israil and others
15.	RFA-242-2023	Financial Commissioner and others <u>Versus</u> Samsu Deceased through His LRs and others
16.	RFA-243-2023	Financial Commissioner and others <u>Versus</u> Arshad Hussain and others
17.	RFA-244-2023	Financial Commissioner and others <u>Versus</u> Deenu Alias Deen Mohammad Deceased Through His LRs
18.	RFA-245-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Sabir Hussain and others
19.	RFA-246-2023	Financial Commissioner and others <u>Versus</u> Mohammad Suleman
20.	RFA-247-2023	Financial Commissioner and others <u>Versus</u> Mohammad Sahood Deceased through LRs and others
21.	RFA-248-2023	Financial Commissioner and others <u>Versus</u> Hajir Ahmed and others
22.	RFA-249-2023	Financial Commissioner Principal Secretary To Govt. of Haryana and others <u>Versus</u> Liyakat Ali
23.	RFA-250-2023	Financial Commissioner Ps And others <u>Versus</u> Sardar Khan Deceased Through His Lrs
24.	RFA-251-2023	Financial Commissioner and others <u>Versus</u> Nasruddin Alias Nasru and another
25.	RFA-252-2023	Financial Commissioner and others <u>Versus</u> Mohammad Mubin and others
26.	RFA-256-2023	Financial Commissioner and others <u>Versus</u> Kamruddin and others
27.	RFA-257-2023	Financial Commissioner And others <u>Versus</u> Mustak Ahmad and others
28.	RFA-258-2023	Financial Commissioner and others <u>Versus</u> Idrish and others
29.	RFA-259-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Khurshid Ahmed and others
30.	RFA-260-2023	Financial Commissioner and others <u>Versus</u> Sahabuddin and others
31.	RFA-261-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Des Raj
32.	RFA-262-2023	Financial Commissioner and others <u>Versus</u> Jan Mohammad and others
33.	RFA-263-2023	Financial Commissioner and others <u>Versus</u> Atru and others
34.	RFA-264-2023	Financial Commissioner and others <u>Versus</u> Idrish and others
35.	RFA-265-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Farukh and others

36.	RFA-266-2023	Financial Commissioner And Principal Secretary and others <u>Versus</u> Ashik Hussain and others
37.	RFA-267-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Mohammad Hassam
38.	RFA-268-2023	Financial Commissioner and others <u>Versus</u> Jamila
39.	RFA-269-2023	Financial Commissioner and others <u>Versus</u> Abdul Wahid
40.	RFA-270-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Alla Bux
41.	RFA-271-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Jhajbi
42.	RFA-272-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Khurshid Ahmed and others
43.	RFA-274-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Mohammad Yakub
44.	RFA-275-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Abdul Wahid
45.	RFA-276-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Pawan Kumar
46.	RFA-277-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Bundu and others
47.	RFA-278-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Sufiyan and others
48.	RFA-279-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Akhtar and others
49.	RFA-280-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Najir Ahmed and others
50.	RFA-281-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Muntajir and others
51.	RFA-282-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Mohammad Ahsan and others
52.	RFA-283-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Ajmat Khan and others
53.	RFA-284-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Jamil Ahmed and others
54.	RFA-285-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Ali Mohammad and others
55.	RFA-286-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Sabir Hussain and others
56.	RFA-297-2023	The Financial Commissioner And others <u>Versus</u> Wali Mohammad and others
57.	RFA-298-2023	The Financial Commissioner and others <u>Versus</u> Nasruddin and another
58.	RFA-299-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Ayyub Khan and others
59.	RFA-300-2023	State of Haryana and others <u>Versus</u> Gram Panchayat Akera
60.	RFA-301-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Ibrahim and others
61.	RFA-302-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Mohammad Farukh Now Deceased Through His LRs and others
62.	RFA-303-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Barafat Minor
63.	RFA-304-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Aash Mohammad

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64.	RFA-441-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Yunus and others
65.	RFA-446-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Mohammad Sahood Now Deceased Through His LR's and others
66.	RFA-448-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Ayyub Khan and others
67.	RFA-449-2023	Financial Commissioner and Principal Secretary and others <u>Versus</u> Ataulla Khan Since Deceased Through His LR's and others
68.	RFA-529-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Mohammad Khan Deceased Through LR's and another
69.	RFA-530-2023	Financial Commissioner Principal Secretary <u>Versus</u> Mohammad Israil Deceased Through LR's and others
70.	RFA-531-2023	Financial Commissioner Principal Secretary To Govt. of Haryana Irrigation Deptt., Chandigarh <u>Versus</u> Abdul Majid Deceased Through LR's and another
71.	RFA-557-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Suleman
72.	RFA-558-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Aas Mohammad and others
73.	RFA-559-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Kasam
74.	RFA-560-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Asgar Khan and others
75.	RFA-562-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Mohammad Usman Deceased Through His LR's and others
76.	RFA-565-2023	Financial Commissioner Principal Secretary <u>Versus</u> Asgar Khan and others
77.	RFA-575-2023	Financial Commissioner Principal Secretary and others <u>Versus</u> Mohammad Iliyash Deceased through his LR's
78.	RFA-581-2023	Financial Commissioner Principal Secretary <u>Versus</u> Wali Mohammad and others
79.	RFA-140-2023	Alla Bux <u>Versus</u> Financial Commissioner, Principal Secretary To Govt. of Haryana and others
80.	RFA-153-2023	Deenu @ Deen Mohammad Deceased through his LR's <u>Versus</u> F.C, Principal Secretary To Govt. of Haryana and others
81.	RFA-228-2023	Mohammad Israil through his LR's Mohammad Samar and others <u>Versus</u> State of Haryana and others
82.	RFA-229-2023	Muntajir and others <u>Versus</u> State of Haryana and others

August 21, 2023
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(HARKESH MANUJA)
JUDGE