

212-3

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

**CM Nos. 456, 457 & 459-CI of 2022 in/and
RFA No. 7211 of 2012 (O&M)
Date of Decision: 04.08.2023**

Sukhpal

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Lamba, Advocate
for the applicant-appellant.

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

Mr. Pritam Singh Saini, Advocate
for respondent No. 3-HSIIDC.

HARKESH MANUJA, J. (ORAL)

CMs-456-457-CI-2022

CM-457-CI-2022 is for placing on record some documents/judgments as Annexures A-1 to A-3, while another CM-456-CI-2022 is for exemption from filing the certified copies thereof.

Applications are **allowed**, as prayed for, subject to all just exceptions. The above documents/Annexures A-1 to A-3 are taken on record.

CM-459-CI-2022

Prayer in the present application moved on behalf of the applicant-landowner, is for recalling of order dated 03.11.2015 passed in ***RFA-7958-2011***, titled ***“Sultan Singh Versus State of Haryana***

and others” and disposal of the main appeal in terms of judgment dated 05.07.2019 passed in ***RFA-4101-2008***, titled ***“HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Versus Rajesh Kumar-II and others”***.

[2] Upon notice, reply on behalf of respondent No. 3-HSIIDC stands filed.

[3] In pursuance of Haryana Govt. Notification dated 28.03.2006 issued under Section 4 of the Land Acquisition Act, 1894 (for short “the Act”) as also Notification dated 19.06.2006 under Section 6 thereof, 20 acres of land, including the land of applicant-appellant, situated in the revenue estate of **Village Jatheri**, for public purpose of construction of Disposal Channel for Sewer and Drain Water, for Industrial Estate, Rai, falling in Sector 38. The Land Acquisition Collector, Sonapat (for short “LAC”), vide award dated 22.05.2007, assessed the market value of land for Village **Jatheri** @ Rs. 16 lakhs per acre, besides grant of statutory benefits. Dissatisfied with the same, landowners / interested persons filed objections under Section 18 of the Act, which were forwarded to learned Additional District Judge, Sonapat (hereinafter to be referred as “Reference Court”) for determination of the market value of the acquired land.

[4] On 17.08.2012, the Reference Court while deciding three (03) reference petitions, lead case of which was LAC No. 424 of 2007, titled ***“Sukhpal Chauhan Versus State of Haryana and others”***, partly accepted the reference petition of applicant-appellant/Sukhpal Chauhan, by assessing the market value of acquired land of **Village Jatheri** @ Rs. 30 lakhs per acre besides grant of statutory benefits, while dismissed two other reference petitions.

[5] Still aggrieved, the applicant-appellant filed **RFA-7211-2012**, which was disposed off by this Court on 03.11.2015 alongwith bunch of connected appeals, the lead case of which was **RFA-7958-2011**, titled “**Sultan Singh Versus State of Haryana and others**”.

[6] Though the applicant did not assail the judgment dated 03.11.2015, however, similarly situated claimants / landowners whose land was acquired pertaining to the same notification dated 28.03.2006 approached the Hon’ble Supreme Court, wherein the matter was remanded back to this Court vide judgment dated 28.11.2017, passed in **CA-20050-2017**, titled “**Rajbir & others Versus State of Haryana & others**”.

[7] Post remand, a bunch of 784 RFAs including RFA-7958-2011 and lead case of which was **Rajesh Kumar-II (supra)**, came to be decided by this Court on 05.07.2019 wherein certain enhancement was awarded in favour of the landowners besides granting other statutory benefits.

[8] Hence, the prayer is for re-deciding the appeal in terms of subsequent judgment dated 05.07.2019.

[9] Learned counsel for the applicant-appellant submits that the land falling in Village **Jatheri** which was acquired vide Notification dated 28.03.2006, was also the subject matter of consideration in case **Rajesh Kumar-II (supra)**. In the said case, the market value has been fixed @ Rs. 35,00,000/- per acre for the land besides grant of statutory benefits. The relevant para-189 of the said judgment dated 05.07.2019 reads as under:-

“ **189.** Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-

- (i) *For the first notification dated 13.08.2004, for the land falling in Villages Badh Malik and Pritampura, the market value would be Rs.21,00,000/- per acre. For Jatheri and Akbarpur Barota, Rs.19,00,000/-. For the lands of Villages Abaspur and Chattera Bahadur, acquired by second notification dated 27.08.2004, the market value would work out to Rs.17,00,000/-. The landowners would also be entitled to 50% severance on the market value on account of the statutory restrictions imposed on the balance land and the expressway making the other portion of the land non-viable for cultivation on account of denial of access. However, the benefit of solatium and interest element under Section 23 (1-A) and Section 23(2) would not be payable on the amount of severance.*
- (ii) *For the third notification dated 30.06.2005, for Villages Badh Malik, Pritampura and Rasoi, uniform compensation @ Rs.29,54,000/- per acre along with all statutory benefits, is granted.*
- (iii) *For the fourth notification dated 16.11.2005, for Villages Rasoi, Rs.52,80,000/- per acre along with all statutory benefits, is granted.*
- (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, Firozpur Khadar, Abaspur, Badh Malik and Patla, the market value is assessed @ Rs.35,00,000/- 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) ***For the sixth notification dated 28.03.2006, for Villages Jatheri, Rs.35,00,000/- per acre is granted along with all statutory benefits.***
- (vi) *For the seventh notification dated 22.06.2006 for Villages Badh Malik, Pritampura, Jatheri, Liwan,*

Rai and Badh Khalsa, Rs.42,30,000/- per acre is granted upto the depth of 2 acres (440 feet) and for the balance land, market value is assessed @ Rs.40,50,000/- per acre, along with all statutory benefits.

- (vii) For the eighth notification dated 05.03.2007, for Villages Badh Malik, Pritampura and Rasoi, the market value is assessed @ Rs.45,00,000/- per acre along with all statutory benefits.*
- (viii) Resultantly, the appeals alongwith cross-objections filed by both the landowners and the State are disposed of. In appeals where delay has been condoned conditionally, the benefit of interest on the enhanced compensation for the period of delay in filing the appeals shall not be granted to the landowners, as specified in the orders condoning the delay. All the pending civil miscellaneous applications also stand disposed of.*
- (ix) The State shall also comply with the directions laid down by the Apex Court in '**HSI IDC Vs. Pran Sukh'** (2010) 11 SCC 175, to ensure that the landowners are not fleeced by the middleman, which read as under:*
 - (a) The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tahsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.*
 - (b) The concerned officers shall also instruct the land owners and/or their legal representatives to open savings bank account in case they already do not have such account.*
 - (c) The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months.*
 - (d) The Land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners. ”*

[10] It is also submitted that the appeals of similarly situated claimants / landowners have also been allowed vide order dated 29.10.2019, passed in *CM-9296-CI-2019 in/and RFA-694-2014 (titled "Inderjit Singh and others Versus State of Haryana and others")*; order dated 10.08.2021, passed in *CM-1272-CI-2021 in/and RFA-1503-2015 (titled "Madan Lal Versus State of Haryana & Ors.")*; and order dated 16.08.2021 passed in *CMs-2076-77-CI-2021 in/and RFA-653-2012 [titled "Sonia (since deceased) through her LR's Versus State of Haryana and Others"]*, which are annexed as Annexures A-1 to A-3 respectively. On the other hand, learned State Counsel has not been able to controvert this aspect.

[11] On the other hand, learned State Counsel as well counsel for respondent-HSIIDC are not in a position to controvert the above factual position, however, submit that the applicant did not assail the decision dated 03.11.2015 passed in his appeal and there is inordinate delay on his part in filing the present application.

[12] After hearing learned counsel for the parties and gone through the contents of application, which is duly supported by an affidavit of the applicant-appellant, I find substance in the submissions made on behalf of the applicant-appellant.

[13] Applying the principles of parity besides, awarding of just and fair compensation to the landowners, the applicant-appellant being similarly situated is held entitled for grant of similar amount of compensation as has been awarded to others, vide judgment dated 05.07.2019 passed in case of **Rajesh Kumar-II (supra)**, besides all other statutory benefits and interest thereupon as provided under the

Act, except interest for the period the applicant did not approach this Court after passing of Reference Court's Award.

[14] In view of the above, the present application is **allowed**; the order dated 03.11.2015 (*supra*) 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)***.

[15] Needless to say that the appellant shall not be entitled for interest *qua* the period of delay in filing the present appeal.

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

August 04, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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