

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

**RFA No.6543 of 2013 (O&M)  
Date of Decision: 19.05.2023**

Suraj Bhan @ Suraj Mal (since deceased)  
through his LRs and another

..... Appellants

*Versus*

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. S.P.Khatri, Advocate for the appellants.

Mr. Shivendra Swaroop, DAG, Haryana  
for respondent Nos.1 to 3.

None for respondent No.4 to 10.

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**MAHABIR SINGH SINDHU, J.**

**CM-149-CI-2020**

Application for disposal of the main appeal in terms of judgment dated 15.11.2019, passed by the Co-ordinate Bench in RFA No.684 of 2012, titled as **“Smt. Brijesh and another Versus State of Haryana through Collector, Sonapat and others”**, along with other connected cases.

Notice of the application to the non-applicants/respondents had already been issued vide order dated 13.01.2020.

Learned State Counsel raises no objection to the present application.

In view of above and for the reasons mentioned in the application, the same is allowed subject to all just exceptions. Main case is taken on Board today itself.

### **MAIN CASE**

Present Regular First Appeal has been filed under Section 54 of the Land Acquisition Act, 1894 (*for short 'Act'*) for modification of the impugned Award dated 22.11.2012, passed by learned Additional District Judge, Sonapat (*for short 'ADJ'*), for enhancement of the compensation.

(2) Facts are not in dispute.

(3) Government of Haryana issued Notification dated 07.02.2007 under Section 4 of the Act for acquisition of land measuring 31 Acres, 2 Kanals & 2 Marlas for public purpose i.e. construction of water works for bringing water supply in Ganaur Town, District Sonapat.

The land measuring 1 Kanal 8 Marlas, comprised in Khewat No.341/488, Khata No.430, Rectangle and Killa No.122/18/2 (1-18), situated in Village Ganaur, District Sonapat, was also acquired vide aforesaid Notification and in which the appellant(s) are having  $\frac{1}{2}$  share. The Land Acquisition Collector (*for short 'LAC'*) vide Award dated 10.07.2008 assessed the compensation @ ₹ 30 Lakh per acre.

Aggrieved against the above Award, appellant(s) invoked reference under Section 18 of the Act, but there was no enhancement by learned ADJ. Hence, present appeal.

(4) Learned Counsel for the appellant(s) submits that against the same very Notification, various RFAs were filed before this Court and the lead case was RFA No.684 of 2012, titled as “**Smt. Brijesh and another Versus State of Haryana through Collector, Sonapat and others**”; wherein, the Co-ordinate Bench enhanced compensation for Village Ganaur to the tune of ₹ 40,50,000/- per acre along with other statutory benefits, vide judgment dated 15.11.2019 and that has attained finality before the Hon’ble Supreme Court vide order dated 22.01.2021. Hence, it is prayed that present appeal be also disposed off in terms of the **Brijesh’s case (supra)**.

On the other hand, learned State Counsel, upon getting instructions, acknowledged the above factual position.

Learned State Counsel is also not able to dispute that land of the appellant(s) is similarly situated to the land falling in other cases, including RFA No.684 of 2012.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) Concededly, the co-ordinate Bench while allowing the batch of 17 appeals vide judgment dated 15.11.2019 enhanced compensation including, Village Ganaur, where land of the appellant(s) is situated and relevant part of the same reads as under:-

*“18. Accordingly, this Court is of the opinion that a 10% cut on the amount awarded by the Apex Court i.e. ₹ 45 lakhs per acre in Ashok Kumar (supra), would be appropriate assessment of the market value, which works out ₹ 4,50,000/- and, therefore, the market value of the present acquisition is assessed @ ₹ 40,50,000/- per acre alongwith all statutory benefits. The appeals of the landowners are allowed, accordingly. Payment be made by adhering to the directions given in 'HSIIDC Vs. Pran Sukh' (2010) 11 SCC 175.”*

It is also not in dispute that above judgment has attained finality and even the enhanced compensation has already been paid to the other land owners, whose land was acquired vide Notification dated 07.02.2007 (*supra*).

(7) In view of the above, there is no option except to dispose off the present appeal in terms of judgment i.e. RFA No.684 of 2012, decided on 15.11.2019.

(8) Ordered accordingly.

(9) Necessary exercise be carried out by the quarter concerned as per law within a period of eight weeks from receipt of certified copy of this order.

(10) Decree-Sheet be prepared by the Registry accordingly.

May 19<sup>th</sup>, 2023  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |