

RFA No. 6462 of 2015 (O&M)
alongwith '86' connected cases

Neutral Citation No. 2023:PHHC:151603

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

RFA No. 6462 of 2015 (O&M)
alongwith "86" connected cases*
Date of Decision: 24.11.2023

Manohar Lal and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shailendra Jain, Senior Advocate, assisted by
Ms. Saachi Mahajan & Ms. Navneet Kaur, Advocates;
Mr. Harsh Kinra, Advocate,
Mr. S.K. Chauhan, Advocate
Mr. Ramender Chauhan, Advocate
Mr. Ram Avtar Sheoran, Advocate
Mr. Sudhanshu Makkar, Advocate
Mr. Jagat Singh, Advocate
Mr. Jagjeet Beniwal, Advocate
Mr. Virender Singh Punia, Advocate
Mr. Abhimanyu Singh, Advocate
Mr. Anil Ghangas, Advocate
for the landowners.

Mr. Arun Beniwal, Sr. Deputy Advocate General, Haryana
Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

This order shall dispose of a bunch of *87 appeals
(details whereof are at the foot of the order), out of which, 34
alongwith 03 cross objections are filed by the landowners and 53 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 06.07.2015 passed by learned Additional District Judge, Bhiwani (**hereinafter to be referred as "Reference Court"**).

[3] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Land Acquisition Act, 1894 (**for short 'the Act'**) issued on 05.02.2010, followed by Notification dated 25.08.2010 under Section 6 thereof, land measuring 458 Kanals 13 Marlas (Hadbast No. 22), including the land of appellants-landowners, situated in the revenue estate of Village **Bhiwani Lohar**, Tehsil & District Bhiwani, was sought to be acquired. The public purpose for acquisition of land was stated to be for construction of Third Water Works in Bhiwani. The Land Acquisition Collector, Bhiwani (**hereinafter to be referred as "the Collector"**), vide Award No. 2, dated 06.06.2011, assessed the market value of acquired land @ Rs.40,00,000/- per acre for all kinds of land.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons, including the appellants, filed references under Section 18 of Act, which were decided vide award dated 06.07.2015 by the Reference Court, whereby the market value of acquired land was assessed @ Rs.1,00,00,000/- (One Crore only) per acre and in view of the calculation made in Table No. 7 of the said award, after making necessary deductions, the landowners were found entitled for

the enhancement of Rs.40,00,000/- (Forty Lacs only) per acre alongwith statutory benefits.

[5] I have heard learned counsel representing the parties at length and with their able assistance perused the paper-book alongwith the records. In the considered opinion of the Court, the matter is required to be remitted back to the Reference Court.

[6] A perusal of the impugned award shows that while determining the compensation, reliance was placed upon a previous award dated 30.05.2011 (**Ex. PW-7/A**) passed by the then learned Additional District Judge, Bhiwani, which pertained to Notification dated 26.04.2007 under Section 4 of the Act for acquiring the land falling in the revenue estate of Villages Palwas, Bhiwani Lohar and Ninan, District Bhiwani. Relying upon the same, the market value pertaining to the Notification dated 05.02.2010 involved in the present case was fixed @ Rs.1,00,00,000/- (One Crore only) per acre and by making necessary deductions / calculations as formulated under Table No. 7 of the impugned award, enhancement of Rs.40,00,000/- (Forty Lacs only) per acre was awarded, thereby taking the market value of Rs.80,00,000/- (Eighty Lacs only) per acre for the Notification dated 05.02.2010.

[7] Having gone through the relevant portion of the impugned award, whereby the assessment has been made, in the humble opinion of this Court, no reasons have been recorded as to how and on what basis the appreciation was made over and above, the assessment done vide award 30.05.2011 in pursuance of Notification dated 26.04.2007 and thus, being short of reasoning, the

award dated 06.07.2015 passed by the Reference Court needs to be set aside.

[8] In view of the discussion made hereinabove, award dated 06.07.2015 passed by the Reference Court is set aside while remitting the matter back to decide afresh after granting the parties, opportunity of leading further evidence, if prayed for. In RFA No. 6895 of 2015 and RFA No. 2789 of 2017, the landowners and State have filed their respective applications for permission to lead additional evidence in support of their respective claims. In the considered opinion of the Court, once the matter is being remitted back and an opportunity is being granted to both the parties to lead evidence, the appellants / State can produce their evidence before the Reference Court.

[9] In addition, it may also be pointed out here that the proportion of enhanced compensation, which already stands disbursed in favour of the landowners in terms of interim orders passed by this Court, the same shall remain protected till the fresh adjudication by the Reference Court.

[10] Since, in the present case(s), the acquisition of land commenced in the year 2010, the Reference Court is requested to take a final decision within a period of six months from the date of receipt of certified copy of this order.

[11] Accordingly, present appeals are **disposed off** in the following terms:-

- (i) The remand will be treated as open remand;

- (ii) It will be open to both parties to adduce evidence
before the Reference Court;
- (iii) It will be open to both sides to take all available
contentions before the Reference Court; and
- (iv) Needless to say that Reference will be answered
without being influenced by any of observations
and findings in impugned order.

The parties through their counsel are directed to appear
before the Reference Court on 19.12.2023.

[12] Pending application(s), if any, shall also stand disposed
off.

November 24, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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

* <u>CONNECTED CASES</u>	
Appeals filed by the Landowners	Appeals filed by the State of Haryana
RFA Nos. 6462 (main case), 6548, 6814, 6815, 6816, 6817, 6818, 6819, 6820, 6821, 6822, 6823, 6824, 6825, 6826, 6827, 6828, 6829, 6830, 6831, 6893, 6894, 6895, 6907, 7372, 7373 & 7426 of 2015 (27 cases)	RFA Nos. 200, 201, 202, 203, 204, <u>205</u> , 206, 207, 208, 209, 210, 211, 212, 246, 247, 248, 249, <u>250</u> , 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 636, 637 & of 2016 (34 cases)
RFA Nos. 49, 146, 147, 457, 551 & 1013 of 2016 (6 cases)	RFA Nos. 2790, 2787, 2788, 2789, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2804, <u>2865</u> , 2866, 2867, 2868, 2869 & 2870 of 2017 (19 cases)
RFA Nos. 1714 of 2017	

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	Cross Objections filed by the Landowners (in two cases)
	XOBJR No. 136 of 2019 in RFA No. 205 of 2016; XOBJR No. 32-CI of 2017 in RFA No. 250 of 2016 <u>AND</u> XOBJR No. 20 of 2019 in RFA No. 2865 of 2017

November 24, 2023
‘dk kamra’

(HARKESH MANUJA)
JUDGE