

237

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

**CM No. 3158-CI of 2022 in/and
RFA No. 16 of 2017 (O&M)
Date of Decision: 14.09.2023**

Jaipal (deceased) through his LRs

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashwani Gaur, Advocate
for the applicants-appellants / landowners.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana
for respondent Nos. 1 to 3.

HARKESH MANUJA, J.

The main appeal was disposed off vide order dated 11.01.2017 in terms of decision dated **RFA No. 5360 of 2011**, titled **“Kehar Singh Versus State of Haryana and others”**.

[2] Now, by filing application bearing CM No. 3158-CI of 2022 under Section 151 CPC moved on behalf of the applicants-appellants/landowners, 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, reply on behalf of respondent Nos. 1 to 3 / State has been filed, wherein it is submitted that the land of applicants, which was acquired vide Notification under

Section 4 of the Land Acquisition Act, 1894 (for short “the Act”) issued on 17.11.2005, was situated in the revenue estate of Village **Sewli**, District Sonapat, instead of Village Badh Khalsa, District Sonapat.

[4] At the outset, learned State Counsel does not dispute that the determination of compensation in the present acquisition is covered in terms of judgment dated 05.07.2019 passed in case of **Rajesh Kumar-II (supra)**; however, opposes the application as well as the payment of interest for the period, the applicants-appellants failed to approach this Court after the decision of the main appeal on the earlier occasion vide order dated 11.01.2017.

[5] From the perusal of records, it transpires that main appeal was disposed off vide order dated 11.01.2017 in terms of decision dated 03.11.2015 (**Annexure A-1**) rendered by this Court in **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 order 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 order 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 (Annexure R-1). In the case of **Rajesh Kumar-II (supra)**, this Court awarded 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, 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) to (ix)

[5.1] 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, except interest for the period the applicants did not approach this Court for filing the present application.

[6] In view of the above, present application is **allowed**; the earlier order dated 11.01.2017 passed in the main case is recalled; and 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)**, however, the appellants shall not be entitled for

CM No 3158-CI of 2022 in/and
RFA No. 16 of 2017 (O&M)

2023:PHHC:122376

interest of the period for which they did not file this application for recalling i.e. w.e.f. 11.01.2017 till 30.08.2022.

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

September 14, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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