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

**RFA No. 4350 of 2019 (O&M)
Date of Decision: 28.08.2023**

Sucha Singh

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shoaib Khan, Advocate
for the appellant.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-11059-CI-2019

Prayer in the present application moved on behalf of the applicant-appellant is for condonation of delay of 2307 days in filing the appeal.

Notice of the application.

Learned State Counsel accepts notice on behalf of the non-applicants/respondents and vehemently opposes the prayer made in the application.

I have heard learned counsel for the parties and gone through the contents of the application, which has been duly supported by an affidavit of Sh. Rajinder Singh @ Narinder Singh, who is a holder of General Power of Attorney (GPA) executed by his son-appellant / Sucha Singh.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the compensation @ **Rs. 498/- per square yard (Rs. 24,10,320/- per acre)** along with all statutory benefits, while for the land of Bhainsa Tibba which falls on the other side of the railway line, towards Mani Majra and Village Kishangarh of Chandigarh, the market value has been fixed @ **Rs. 26,99,558/- per acre (Rs. 558/- per square yard)** along with all statutory benefits, in view of the order dated 10.08.2020 passed by this Court in application bearing **CM No. 2247-CI of 2020 in RFA No. 1638 of 2019, titled “Fazal Mohd. (deceased) through his LRs & others Versus State of Haryana & another”**) which was moved for correction of clerical and arithmetical mistakes in the main judgment dated 27.05.2020 rendered in **RFA No. 1817 of 2019, titled “The Akash Cooperative Group Housing Society Ltd.-II Versus State of Haryana and others”**.

Based thereupon, applying the principle of parity, besides awarding just and fair compensation and relying upon the decision of Hon’ble Supreme Court in case of **“Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another”, 2020 (19) SCC 599** as well as in view of the contents of application, the same is **allowed** and delay in filing the appeal, as mentioned above, is hereby condoned.

MAIN APPEAL

The appellant / landowner, by instituting the present appeal preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), seeks modification of the award dated 12.03.2013 passed by

learned Additional District Judge, Panchkula (hereinafter to be referred as "Reference Court") for enhancement of compensation amount.

[2] In pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 16.03.1999, followed by Notification dated 15.03.2000 under Section 6 thereof, the land measuring 482.17 acres & 140.59 acres, including the land of appellant, situated in the revenue estate of Villages Bhainsa Tibba & Saketri (respectively), Tehsil & District Panchkula, was acquired. The public purpose for acquisition of land was stated to be development and utilization of residential, commercial, institutional, recreational in Sectors 1, 2, 3, 5B, 5C & 6, Panchkula extension Mansa Devi Complex in Urban Estate, Panchkula.

[3] The Land Acquisition Collector, Panchkula (for short "LAC"), vide Award No. 8 dated 09.10.2003, assessed the market value of acquired land @ Rs. 9 lakhs per acre for 'chahi-abi-barani' land; Rs. 5 lakhs per acre for 'banjar' land; and Rs. 2.60 lakhs per acre for 'gair mumkin' land, situated in Village Bhainsa Tibba. Similarly, the LAC, vide Award No. 7, dated 09.10.2003, awarded compensation @ Rs. 9 lakhs per acre for 'chahi-abi-barani' land; Rs. 4.70 lakhs per acre for 'banjar' land; and Rs. 2.30 lakhs per acre for 'gair mumkin' land, situated in Village Saketri.

[4] Dissatisfied with the aforesaid Award(s), landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 31.10.2006 by learned Reference Court, whereby the market value of the acquired land was assessed @ Rs. 418/- per square yard. Aggrieved thereof, the landowners filed appeals before this Court and ultimately, vide judgment dated 25.02.2009 passed

in **RFA No. 3008 of 2008**, titled “**Poonam Versus State of Haryana**”, the matter stood remanded back for fresh adjudication of compensation.

[5] Thereafter, Reference Court, vide Award dated 31.10.2011, reduced the market value of acquired land in question from Rs. 418/- per square yard to Rs. 374/- per square yard. Again dissatisfied, the landowners challenged the aforesaid award of the Reference Court.

[6] In second round, this Court vide order dated 14.11.2017, passed in **RFA No. 10326 of 2014**, titled “**The Aakash Co-op House Building Society Versus State of Haryana**” again remanded back the matter for fresh adjudication of market value of the acquired land with certain specific observations and guidelines and also directed that the matters pertaining to earlier acquisitions should be decided first.

[7] Later on, Reference Court, vide Award dated 20.09.2018, passed in case titled “ **Fazal Modh. etc. Versus State of Haryana and another**”, enhanced the compensation to Rs. 511/- per square yard in all cases arising out of acquisition vide Notification dated 16.03.1999.

[8] It is contended by learned counsel for the appellant that present appeal is squarely covered with the judgment dated 27.05.2020 rendered in **RFA No. 1817 of 2019**, titled “**The Akash Cooperative Group Housing Society Ltd.-II Versus State of Haryana and others**” and subsequent correction order dated 10.08.2020 passed by Coordinate Bench in application bearing **CM No. 2247-CI of 2020 in RFA No. 1638 of 2019**, titled “**Fazal Mohd. (deceased) through his LRs & others Versus State of Haryana & another**”.

[9] Learned State Counsel is not in a position to controvert the afore-stated factual aspect that the main appeal is covered in terms of judgment dated 27.05.2020 passed in case of **The Akash Cooperative**

Group Housing Society Ltd.-II (supra) as well as correction order dated 10.08.2020 passed in **Fazal Mohd.'s case (supra)**.

[10] I have heard learned counsel for the parties and gone through the paper-book.

[11] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 27.05.2020 passed in case of **The Akash Cooperative Group Housing Society Ltd.-II (supra)** as well as correction order dated 10.08.2020 passed in **Fazal Mohd.'s case (supra)**, which is arising out of the same acquisition / Notification dated 16.03.1999 covering the same revenue estate, whereby the landowners have been held entitled for the compensation @ Rs. **498/- per square yard (Rs. 24,10,320/- per acre)** along with all statutory benefits, while, for the land of Bhainsa Tibba which falls on the other side of the railway line, towards Mani Majra and Village Kishangarh of Chandigarh, the market value was fixed @ **Rs. 26,99,558/- per acre (Rs. 558/- per square yard)** along with all statutory benefits. For reference, the relevant para of order dated 10.08.2020 (*supra*) passed in **Fazal Mohd.'s case (supra)** reads as under:-

“ xxxx

123(ii). For the notification dated 16.03.1999, the market value is fixed @ **Rs.498/- per sq.yard (Rs.24,10,320/- per acre)** along with all statutory benefits. However, for the land of Bhainsa Tibba which falls on the other side of the railway line, towards Mani Majra and Village Kishangarh of Chandigarh, the market value is fixed @ **Rs.26,99,558/- per acre (Rs.558/- per sq.yard)** along with all statutory benefits by only allowing the appeals of the concerned set of landowners. The appeals filed by the State are

accordingly, partly allowed and those of the other landowners are dismissed.”

[11.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowner / appellant being similarly situated is held entitled for grant of similar amount of compensation as has been awarded to other landowners vide order dated 10.08.2020 passed in **Fazal Mohd.'s case (supra)** alongwith all other statutory benefits and interest thereupon as provided under the Act, except payment of interest for the period the appellant did not approach this Court after passing of Reference Court's Award.

[12] **Disposed off** in the above terms.

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

August 28, 2023

'dk kamra'

**(HARKESH MANUJA)
JUDGE**

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