

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

(270)

**RFA-3451-2018 (O&M)
Date of Decision: 23.08.2023**

Sarti and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chanderhas Yadav, Advocate, for the appellants.

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)**CM-7685-CI-2018**

1. This is an application filed under High Court Rules and Orders Volume-V Chapter-1 Part-C Rule-2 read with Section 54 of the Land Acquisition Act, 1894, praying for grant of leave to appeal challenging the Award dated 04.08.2011 passed by the reference Court.

2. I have heard learned counsel for the parties.

3. A perusal of the record shows that though the signatures of the applicants were obtained on the power of attorney, however, their names were not incorporated in the array of memo of parties on account of an inadvertent error. Nonetheless, on an application moved on behalf of the applicants, the executing Court having appreciated the records allowed their prayer for filing execution and ordered for release of their share in pursuance to the Award dated 04.08.2011 passed by the reference Court. The said order dated 01.08.2013 passed by the Executing court forms part of the record (Annexure A-1 page 100 of the paper book).

4. In view thereof, the prayer made in the application is allowed,

applicants are granted leave to file present appeal, impugning the award dated 04.08.2011.

CM-7686-CII-2018

1. This is an application for condoning the delay of 2328 days in filing the present appeal.
2. Notice of the application was issued to the respondents and reply to the application has been filed on behalf of respondent-State.
3. I have heard learned counsel for the parties and gone through the paper book.
4. Concededly, the other similarly situated land owners pertaining to the same acquisition proceedings have already been held entitled for enhanced amount of compensation pertaining to village Barkhtabad, Tehsil Bahadurgarh, District Jhajjar @ Rs.15,00,000/- per acre along with all statutory benefits, in view of the judgment dated 17.11.2017 passed by Hon'ble Supreme Court in **Civil Appeal No.(s) 19354 of 2017 titled Rajender Singh and others Vs. State of Haryana and others**".
5. Based thereupon, applying the principle of parity, the land owners/applicants being similarly situated, are entitled for grant of similar amount of compensation, however except the payment of interest for the period they failed to approach this Court after the decision of the Reference Court award. In this regard reliance can be placed upon the decision of Hon'ble Supreme Court in case of "**Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599**". Accordingly, in view of the averments made in the application besides the law laid down in the aforementioned judgment, the prayer is allowed and delay of 2328 days in filing the appeal is hereby condoned.

Main Appeal (O&M)

1. In the present case, land owned by the appellants situated in the aforesaid village was sought to be acquired vide Notification dated 17.04.2002 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act”), for the purpose for development and utilization of land as residential, institutional and commercial areas for Sectors 1(part), 10, 11 (Part), 12 and 13, Bahadurgarh. Notification under Section 6 of the Act was issued on 10.04.2003, followed by an award dated 25.06.2004 in exercise of powers conferred under Sections 11 of 1894 Act.

2. Aggrieved thereof, the appellants preferred reference under Section 18 of the Act, which came to be decided vide common award dated 04.08.2011 by the Court of learned Additional District Judge, Jhajjar, vide which, compensation was assessed @ Rs.4,68,789/- for Chahi, Rs. 3,90,657/- for Brani and Rs.2,67,000/- for Gadda.

3. Impugning the same, the appellants have preferred the present appeal.

4. Learned counsel for the appellants submits that the matter pertaining to the same acquisition/notification covering the same revenue estate i.e. village Bir Barkhtabad, Tehsil Bahadurgarh District Jhajjar, filed at the instance of few other land-owners came up before this Court & was disposed of vide judgment dated 31.08.2015 passed in **RFA No.1626 of 2011 titled “Puran Chand Wadhwa (deceased) through LRs Vs. Land Acquisition Collector and another”**. Decision dated 31.08.2015 was assailed in further appeal which came up for hearing before Hon’ble Supreme Court and the matter was decided vide judgment dated 31.03.2015 in Civil Appeal No.19354 of 2017 in case of **Rajender Singh and others Vs. State of Haryana and others**, wherein the market value of land was further enhanced

in terms of following observations

“In the peculiar facts and circumstances of the cases, and considering the aforesaid evidence making deduction for development, it would be appropriate to award compensation of Rs. 15,00,000/- per acre for other villages i.e. Bir Barkatabad, Balore and Sairai Aurangabad alongwith statutory benefits. Thus we enhance the compensation for Bahadurgarh from Rs.15,00,000/- per acre to Rs.20,00,000/- per acre and for other village i.e. Bir Barkatabad, Balore and Sarai Aurangabad from Rs.10,00,000/- per acre to Rs.15,00,000/- per acre.”

On the other hand, learned counsel representing respondents has not been able to controvert the abovementioned factual position.

5. Based upon the above, applying the principle of parity, besides, just and fair compensation, the land owners/applicants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded by the Hon’ble Apex Court in the aforesaid case i.e. **Rajender Singh and others’ case (supra)** besides all other statutory benefits available to them under the relevant provisions of the Act except the interest for the period the appellants did not approach this Court after passing of award by the Reference Court.

6. The present appeal is disposed of in the above terms.

(HARKESH MANUJA)
JUDGE

23.08.2023
anil

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No