

258 (6 cases)

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

**(1) RFA No. 482 of 2019 (O&M)
Date of Decision: 08.08.2023**

Ram Murti (since deceased) through LR's and others
...Appellants

Versus

State of Haryana and others
...Respondents

(2) RFA No. 483 of 2019 (O&M)

Aadesh Kumar
...Appellant

Versus

State of Haryana and others
...Respondents

(3) RFA No. 624 of 2019 (O&M)

Manphool Singh (since deceased) through LR's and others
...Appellants

Versus

State of Haryana and others
...Respondents

(4) RFA No. 1157 of 2019 (O&M)

Mangla Ram (since deceased) through LR's and another
...Appellants

Versus

State of Haryana and others
...Respondents

(5) RFA No. 435 of 2020 (O&M)

Shishpal and another
...Appellants

Versus

State of Haryana and others
...Respondents

(6)

RFA No. 611 of 2020 (O&M)

Mangla Ram through his LRs

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karan Singh, Advocate, for the appellant(s)
(in RFAs-482, 483, 624 & 1157-2019)

Mr. Sukhvir Singh Sahu, Advocate
for the appellant(s) (in RFAs-435 & 611-2020)

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-1600-CI-2020 in RFA-611-2020

Prayer in the present application under Order 22 Rule 3 read with Section 151 CPC, is for impleadment of legal heirs of appellant-Mangla Ram.

Application is **allowed**, as prayed for, subject to all just exceptions. The persons mentioned in para-2 of the application are ordered to be impleaded as LRs of above appellant.

Applications for condonation of delay

In RFA Nos. 482, 483, 624 & 1157 of 2019, applications have been filed for condonation of delay of 1822 days in filing the respective appeals, whereas in RFA Nos. 435 & 611 of 2020, applications have been filed for condonation of delay of 2182 & 2181 days in filing the respective appeals.

Upon notice, no reply has been filed to the above applications, however, learned State Counsel vehemently opposes the prayer made therein.

I have heard learned counsel for the parties and gone through the contents of the applications, which have been supported by affidavit(s).

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to the acquired land falling in same revenue estate, i.e. Village Ramsara, Tehsil & District Fatehabad, to the tune of Rs. 6,07,000/- per acre, besides grant of statutory benefits, in view of judgment dated 29.10.2015 passed in ***RFA-4584-2015***, titled ***“Seema Devi Versus State of Haryana and others”***.

Based thereupon, applying the principles of parity, besides awarding of 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 applications, the same are **allowed** and delay in filing the respective appeals, as mentioned above, are hereby condoned.

MAIN APPEAL(S)

This order shall dispose off present six appeals bearing RFA Nos. 482, 483, 624 & 1157 of 2019; and RFA Nos. 435 & 611 of 2020, as the same arise out of common acquisition / award.

[2] Present appeals are preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) to modify the impugned award dated 20.09.2013 passed by learned Additional

District Judge, Fatehabad (hereinafter to be referred as "Reference Court") and are for enhancement of the compensation.

[3] In pursuance to Haryana Govt. Notification dated 29.12.2004 issued under Section 4 of the Act, followed by Notification dated 19.04.2005 under Section 6 thereof, the land measuring 43.99 acres situated in revenue estate of Villages Jandwala, Ramsara and Gadli, Tehsil & District Fatehabad, including the land of appellants falling in **Village Ramsara**, was acquired. The public purpose for acquisition of land was stated to be for construction of Hisar-Ghaghar multi purpose channel from RD-109000 to 398600 (Sub reach RD 141023 to RD 18677).

[4] The Land Acquisition Collector, Fatehabad (for short "LAC"), vide Award dated 28.11.2005, assessed the market value of acquired land @ Rs. 5 lakhs per acre alongwith other statutory benefits.

[5] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were ultimately dismissed vide award dated 20.09.2013 passed by learned Reference Court. Aggrieved thereof, the appellant(s) preferred the present appeal(s).

[6] It is contended by learned counsel for the appellant(s) that present appeals are squarely covered with the judgment dated 29.10.2015 passed in **RFA-4584-2015**, titled "**Seema Devi Versus State of Haryana and others**", arising out of the same notification, vide which the land of appellant(s) had been acquired.

[7] Learned State Counsel is not in a position to controvert the above factual position and also submits that the decision dated 29.10.2015 (supra) has not been challenged so far before the Hon'ble

Supreme Court; however, opposes the payment of interest for the period, the appellant(s) failed to approach this Court after the decision of Reference Court.

[8] After hearing learned counsel for the parties and gone through the records, I find substance in the submissions made on behalf of the appellant(s).

[9] It is not in dispute that present appeals are squarely covered with the judgment dated 29.10.2015 passed in case of **Seema Devi (supra)**, which is arising out of the same acquisition / Notification dated 29.12.2004 covering the same revenue estate i.e. **Village Ramsara, Tehsil & District Fatehabad**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 6,07,000/- per acre. For reference, the relevant para of judgment dated 29.10.2015 (*supra*) reads as under:-

“
For the reasons mentioned above, the appeal is allowed. The award of learned Court below is modified only to the extent of value of the acquired land. The same is assessed @ Rs. 6,07,000/- per acre. Amount of damages awarded on account of severance is upheld. The landowner shall also be entitled to all the statutory benefits available to her under the Act. However, she shall not be entitled to interest for the period of delay in filing the appeal i.e. 558 days. ”

[9.1] Based upon the above, applying the principles of parity, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded to others, vide judgment dated 29.10.2015 in case of **Seema Devi (supra)**, besides all other statutory benefits and interest thereupon as provided under the Act, except interest for the period the appellants

did not approach this Court after passing of Reference Court’s Award
in their respective references.

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

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

August 08, 2023
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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