

RFA-184-2020(O&M)
and other connected case

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260(2 cases) **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(1) CM-414-CI-2020 in/and RFA-184-2020 (O&M)

Gurbachan Singh and anotherAppellants..

vs.

State of Haryana and anotherRespondents.

(2) CM-665-CI-2020 in/and RFA-308-2020 (O&M)

Mukhtiara and othersAppellants

vs.

State of Haryana and anotherRespondents

DECIDED ON:-25.07.2023

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep K. Loura, Advocate,
for the appellants (in RFA-184-2020).

Mr. Balwinder Singh Sudan, Advocate,
for the appellants (in RFA-308-2020).

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA J.

CM-414-CI-2020 in RFA-184-2020

Prayer in this application is for condonation of delay of 25 days in
filing the appeal.

Upon notice, learned State counsel submits that he does not wish
to file reply to the same.

In view of the above, having gone through the contents of the

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application, duly supported by an affidavit, sufficient cause has been made out for the purpose of condoning the delay of 25 days in filing the appeal. Accordingly, delay of 25 days in filing the appeal is condoned.

CM-413-CI-2020 in RFA-184-2020 and
CM-665-CI-2020 in RFA-308-2020

Prayer in both these applications is for condonation of delay of 841 days in re-filing RFA-184-2020 and delay of 2042 days in filing the RFA-308-2020.

At the outset, it is urged that the matter in issue qua enhancement of compensation is squarely covered by judgment dated 10.01.2020, rendered by this Court in **RFA No. 1235-2018 (Smt. Ram Kaur vs. State of Haryana and another)**, and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the appellants-landowners.

Notice of the applications was issued on 17.01.2023, however, the factual position as set out above, is not disputed by learned State counsel.

I have heard learned counsel for the parties and perused the record.

Based thereupon, applying the principle of parity, besides, awarding of fair and just compensation, the land owners/applicants being similarly situated are entitled for grant of similar amount of compensation, however, without any payment of interest for the period they failed to approach this Court after the decision in the reference Court. 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**

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Acquisition Officer and Another, 2020 (19) SCC 599.

In view of the discussion made hereinabove, the applications are allowed and delay of 841 days in re-filing RFA-184-2020 and delay of 2042 days in filing the RFA-308-2020, is condoned.

Main Appeals

1. Learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by this Court in ***RFA-1235-2018, Smt. Ram Kaur vs. State of Haryana and another***”, decided on 10.01.2020, wherein also the land situated in the same revenue estates i.e. Villages Rampur Seeyuri, Razipur, Surajpur, Manakpur Nank Chand, Manakpur Thakur Dass Lohgarh & Dhamala, Tehsil and District Panchkula was acquired vide notifications dated 27.08.2007 and 28.08.2007, issued under Sections 4 and 6 of the Land Acquisition Act, 1894, respectively, and for the same purpose. Para 71 (ii) to (v) thereof is relevant, which reads as under:-

“71 (ii). For the notification dated 27.08.2007, market value is fixed @ Rs.1180/- per sq.yard (Rs.57,11,200/- per acre) for the land falling upto the depth of 2 acres (440 feet) from NH-22 and for the land abutting the Pinjore-Nalagarh road on the northern end, upto the same depth. For the land beyond the said depth of 2 acres, from both sides, the market value would work out to Rs.944/- per sq.yard (Rs.45,68,960/- per acre), along with all statutory benefits.

(iii) In appeals where delay has been condoned conditionally, the benefit of interest on the enhanced compensation for the period of delay in filing the appeals shall not be granted to the landowners, as specified in the orders condoning the delay.

(iv) The State shall also comply with the directions laid down by the Apex Court in ***Haryana State Industrial Development Corporation Vs. Pran Sukh & others 2010 (11)***

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SCC 175, to ensure that the landowners are not fleeced by the middleman, which read as under:

(a) The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tahsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.

(b) The concerned officers shall also instruct the land owners and/or their legal representatives to open savings bank account in case they already do not have such account.

(c) The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months.

(d) The Land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners.

(v) The entitlement of the landowners would be to the amounts awarded above along with statutory benefits. The State would also be entitled to make adjustment of the amounts which have already been paid during the litigation.”

2. Accordingly, above mentioned appeals filed at the instance of appellants-landowners are disposed of in terms of the above mentioned decision dated 10.01.2020, passed in the case of **Smt. Ram Kaur** (supra) and the appellants are entitled for similar market value @ Rs.57,11,200/- per acre along with all statutory benefits and interest available under the amended Land Acquisition Act, 1894. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing and refiling RFA No.184 of 2020 & RFA-308-2020.

3. Pending miscellaneous applications, if any, in which no separate orders have been passed, stand disposed of accordingly.

25.07.2023
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(HARKESH MANUJA)
JUDGE

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