

2024:PHHC:091196



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

RFA-3478-1999 (O&M)
Decided on:-05.07.2024

The State of Haryana thr. District Collector, Faridabad Appellant.

vs.

Daya Ram and others Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivendra Swaroop, DAG, Haryana,
for the respondent(s)-State.

None for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 10.11.1998 passed by the Reference Court-cum-Additional District Judge, Faridabad, whereby reference petition filed at the instance of respondents-landowners invoking Section 18 of the Land Acquisition Act, 1894 (herein after called “1894 Act”), stands allowed.

2. Briefly stating, certain land owned by the respondents-landowners, situated in the revenue estate of villages Bhanakpur and Karnera, Tehsil Ballabgarh, District Faridabad, came to be acquired vide notification dated 14.08.1991, issued under Section 4(1) of the 1894 Act, for the construction of additional No.4 Bays at Samepur Sub-Station. The Land Acquisition Collector, in exercise of its powers under Section 11 of the 1894

Act, awarded compensation at the rate of Rs.1,25,000/- per acre vide award

dated 26.02.1992.

3. Aggrieved of the award passed by the Land Acquisition Collector, respondents-landowners invoked reference petition under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its award dated 10.11.1998 decided the reference petition with the final observation as under:-

“In view of the finding recorded by me on the above issues, particularly on issue No.1, I hereby accept this reference holding that the market price of the acquired land on the date of publication of notification under Section 4(1) of the Act was Rs.153/- per square yard. The petitioners are also held entitled to the other statutory benefits under Section 23(1-A), 23(2) and 28 of the Act. Memo of costs be prepared accordingly and file be consigned to records.”

4. By way of present appeal, the aforementioned award dated 10.11.1998 has been assailed at the instance of State against the enhancement.

5. No one has chosen to appear on behalf of the respondents-landowners.

6. I have heard learned counsel for the appellant and gone through the paper book.

7. Perusal of the record shows that similar appeals filed at the instance of respondent-State, challenging similar award passed by the Reference Court pertaining to same acquisition proceeding stood dismissed by this Court vide its judgment dated 23.01.2014 passed in RFA-1924-1996

(O&M) (and other connected cases), titled as “*State of Haryana and another vs. Kalyan Singh and another*”. Moreover, even the SLP No.17329-2014 filed against the decision dated 23.01.2014, stood dismissed by the Hon’ble Apex Court, thereby resulting into finality of the assessment of compensation made by the Reference Court in its award dated 10.11.1998.

8. Accordingly, in view of the discussion made herein-above, the present appeal being devoid of merits, is dismissed.

9. Pending application, if any, stands disposed of.

05.07.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No