

2024:PHHC:101803



131 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on:-02.08.2024

1. CM-1769-CI-2024 in/and RFA-5595-2015 (O&M)

Shri Krishan and anotherAppellants..

VS.

Union of India and othersRespondents.

2. CM-1782-CI-2024 in/and RFA-5593-2015 (O&M)

Smt. Dhanpati and othersAppellants

VS.

Union of India and others ...Respondents.

3. CM-1767-CI-2024 in/and RFA-5594-2015

Mai Chand and othersAppellants.

VS.

Union of India and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Akshay Kumar Dahiya, Advocate,
for the appellant(s).

Mr. Anil Chawla, Senior Panel Counsel,
for respondent-UOI.

HARKESH MANUJA J. (Oral)

Early hearing applications

Prayer in these applications filed under Section 151 CPC, is for
fixing some early and actual date of hearing as well as to decide the appeals

in terms of judgments dated 16.02.2016 and 02.04.2022 passed by this Court in RFA-3397-2014, titled as ***“Katar Singh and others vs. State of Haryana and others”*** and RFA-5590-2015, titled as ***“Randhir Singh and others vs. Union of India and others”***, respectively.

Learned counsel for the respondent fairly submits that these appeal(s) are covered by the decision rendered in the aforesaid cases.

Considering the fact that the case of the appellants-landowners is squarely covered by aforementioned judgments, the prayer made in the applications is allowed and main appeals are taken up for hearing today itself.

Main case(s)

1. This common judgment of mine shall dispose of above mentioned three appeals filed by the appellant(s)-landowner(s) as they all involve common question of law and facts.

For convenience, the facts are being taken from RFA-5595-2015 (O&M).

2. The present appeal has been filed at the instance of the landowner, seeking enhancement of compensation for the acquired land.

3. Brief facts of the case are that certain land owned by the applicants-appellants-landowners, situated in the revenue estate of village Naina Tatarpur, Tehsil and District Sonapat, came to be acquired vide notifications dated 08.06.2009 and 30.10.2009, issued under Sections 4 read with Section 17(2) and 6, respectively, of the Land Acquisition Act, 1894 (for short, “1894 Act”), for the public purpose, namely, for the construction of Jind Gohana Sonapat New Railway Line in villages Mohana, Pinana,

Naina Tatarpur, Juan No.1, Juan No.2, Karewadi, Khizarpur Jat Majra, Hullaheri, Badwasni, Sonepat, Patti Jatann. Total land under acquisition was 143 Acres 21 kanal, 10 marla. Vide award No.29 dated 18.08.2010, the Land Acquisition Collector, assessed the market value of the acquired land at the rate of Rs.16,00,000/- per acre, for every kind of land, along with other statutory benefits like solatium and additional charges @ 12% per annum as provided under Section 23(1-A) of the 1894 Act.

4. Aggrieved of the award passed by the Land Acquisition Collector, appellants-landowners invoked reference petition(s) 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 31.01.2014, determined the compensation as under:-

“In view of the above discussion and finding on issue No.1, all reference petitions u/s 18 of the Land Acquisition Act, 1894 are accordingly allowed. Market value of acquired land payable as compensation for the acquired land is assessed at Rs.20,80,000/- per acre (Rs.16,00,000/- market value dependent upon potentiality and other factors +Rs.4,80,000/- 30% on account of severance). Petitioner(s) shall also be entitled to solatium at the rate of 30% on the market value as assessed above for compulsory nature of acquisition under Section 23(2) of the 1894 Act. The petitioner(s) shall also be entitled to additional amount at the rate of 12% per annum on the assessed market value from the date of publication of notification under Section 41 of the Act till the date of award of taking over of possession of the land, whichever is earlier under Section 23(1A) of the 1894 Act, petitioners shall be entitled to interest in terms of Section 28 (i.e. 9% and 15% interest) of the Land Acquisition Act 1894. Memo of cost be prepared. File be consigned to records.”

5. Learned counsel for the parties are *ad idem* that the claim made in the present appeals is squarely covered by the decision rendered by this Court in RFA-3397-2014 and RFA-5590-2015.
6. I have heard learned counsel for the parties and gone through the paper book.
7. In view of aforesaid stand taken by learned counsel for the parties, the present appeals stand disposed of in terms of the decision rendered by this Court in RFA-3397-2014 and RFA-5590-2015, operative part of which, is reproduced hereunder for reference”-

“Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that all the appeals filed by the land owners deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The land owners in the appeals arising out of acquisition dated 18.03.2009 as well as the land owners in the appeals arising out of the acquisition dated 08.06.2009, are held entitled to receive the compensation for their acquired land, at the uniform rate of Rs.24,45,465/- per acre, from the date of notification under Section 4 of the Act. They are also held entitled to receive 50% of the abovesaid market value on account of severance charges. Besides this, the land owners, in both these acquisitions, shall be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.”

8. Pending application, if any, also stands disposed of.

02.08.2024
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(HARKESH MANUJA)
JUDGE

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