
(2011) 03 P&H CK 0084

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 2453 of 2010 (O and M)

Hari Singh and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 28-03-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4

Citation : (2011) 1 ILR (P&H) 283

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Judgement

Rajesh Bindal, J.—This order shall dispose of RFA Nos. 2453 to 2474 of 2010, as the same arise out of common acquisition.

2. The landowners are in appeal before this Court against the award of the learned Court below passed u/s 18 of the Land Acquisition Act, 1894 (for short, "the Act") seeking enhancement of compensation for the acquired land.

3. Briefly, the facts of the case are that the State of Haryana vide notification dated 24.3.2003, issued u/s 4 of the Land Acquisition Act, 1894 (for short, the Act"), sought to acquire land falling in the revenue estates of villages Tarkanwali Nathusari Khurd, Nathusari Kalan, Darba Kalan, Manak Diwan, Rupana, Randhawa, Nirvan, Bakrianwali, Gudia Khera, Modia Khera, Liwalwali, Madhosinghana, Mangala, Moujdin and Ottu, District Sirsa for excavation of Hisar Ghaggar Drain from RD 0 to 109000 out falling at RD 5400 left River Ghaggar Drain Down, Stream Ottu Weir in District Sirsa. The Land Acquisition Collector (for short, "the Collector") assessed the market value of the acquired land of different villages at different rates. The land owners/claimants feeling dissatisfied with the quantum of compensation awarded by the Collector, filed objections. On reference u/s 18 of the Act, the learned Court below enhanced the compensation of the acquired land. It is this award which is impugned in the present set of appeals.

4. Learned Counsel for the landowners submitted that the issue raised in the present set of appeals is squarely covered by the judgment of this Court in RFA No. 3733 of 2007 - Subhash Chand alias Subhash Chander v. State of Haryana and Anr. decided on 14.1.2010, whereby the award of the learned Court below regarding determination of fair value of acquired land was upheld. However, the matter was remitted back to the Court below for determination of compensation on account of severance.

5. The aforesaid fact is not disputed by learned Counsel for the State.

6. Accordingly, for the reasons stated in Subhash Chand's case (supra), the present appeals are disposed of in the same terms. Parties through their counsels are directed to appear before the District Judge, Sirsa on 21.4.2011 for further proceedings. He shall club the cases with the cases earlier remanded back.