

2025:PHHC:113260



109 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-236-2011 (O&M)
Decided on:-26.08.2025

Biswedaran of Shamlat Deh of Village
Arjonda, Faridabad and others

....Appellants..

vs.

State of Haryana thr. Collector, Faridabad
and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kul Bhushan Sharma, Advocate,
for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-7-CI-2012

1. By way of present application filed under Order 1 Rule 10 read with Section 151 CPC, prayer has been made for seeking transposition of proforma respondents No.4 & 5 as appellants No.8 & 9 in the main appeal.

2. Learned counsel for applicants-respondents No.4 & 5 submits that though the applicants were legal representatives of petitioner No.4-Parkash, in the reference petition bearing LAC-58 of 2007, which came to be decided by the Reference Court vide award dated 09.04.2010, however, on account of some inadvertence, they could not get themselves impleaded as appellants and were arrayed as proforma respondents No.4 & 5. He further submits that the cause of applicants is common with the appellants as

they happen to be co-sharers with them.

3. On the other hand, learned counsel for the non-applicants-respondents vehemently opposes the prayer made in the application while submitting that the intent of applicants-proforma respondents No.4 & 5 is just to delay the disposal of the appeal and, thus, they may be directed to file their separate appeal.

4 I have heard learned counsel for the parties and gone through the paper book, I find substance in the submissions made on behalf of applicants.

5. Considering the fact that applicants-proforma respondents No.4 & 5 being co-sharers with the appellants having jointly filed their reference have common cause, it would be in the interest of justice, in case, applicants-proforma respondents No.4 & 5 are transposed as appellants No.8 & 9.

6. In view of the aforesaid, the application is allowed and applicants are ordered to be transposed as appellants No.8 & 9.

Amended memo of parties be filed in the Registry.

Main case

1. By way of present appeal, challenge has been laid to an award dated 09.04.2010 passed by the learned Additional District Judge-cum-Reference Court, Faridabad.

2. Briefly stating, in the present case, certain land owned by the appellants, situated within the revenue estate of Village Ajronda, Hadbast No.188, Tehsil and District Faridabad was acquired vide notifications dated 03.07.1995 and 02.07.1996 issued under Sections 4 & 6 of the Land

Acquisition Act, 1894 (for short, "1894 Act"), for the purpose of development and utilization of land as residential, institutional and commercial Sector 20-B, Faridabad. Award No.15 dated 29.06.1998 was announced by the Land Acquisition Collector, Faridabad and the market value of the acquired land was assessed @ Rs.5,85,000/- per acre, besides, granting other statutory benefits.

3. Aggrieved of the aforesaid award passed by the Land Acquisition Collector, appellants-landowners preferred a reference petition under Section 18 of the 1894 Act, seeking enhancement of compensation, which came to be decided vide award dated 09.04.2010 passed by the learned Additional District Judge, Faridabad, thereby making assessment of the market value @ Rs.400/- per sq.yrds, besides other statutory benefits, however, the claim of the appellants with respect to khasra Nos.1440 (0-4), 1420 and 1442 was declined with the following observation:-

"16. However, it is revealed from statement No.19 that Khasra No.1440 (0-4) is under the cultivation of Teeka son of Data Ram as Gair Maurusi. Similarly, Khasra No.1420 is under the cultivation of Bindrawan "Bhoneddar". Said Teeka son of Data Ram; and Bindrawan have not been impleaded as a party to this reference petition. Similarly, the statement No.19 received from the LAC reveals and the jamabandi Ex.P5 reveals that though khasra No.1442 is owed by 'Shamlat Deh' but as far as the cultivation of the land is concerned, Ajji Ram etc. were in possession of the said land. In the absence of said Teeka son of Data Ram, Bindrawan; Ajji Ram etc. Who are necessary party to this petition qua khasra number 1440, 1420 & 1442, no determination can be made regarding the land of said khasra numbers."

4. Having heard learned counsel for the parties and upon perusal

of record, it can be traced out that the claim of the appellants with respect to enhanced market value is squarely covered with the decision dated 08.09.2022 rendered by the Hon'ble Apex Court in Civil Appeal No.6229 of 2022, titled as "***Amanullah Khan vs. The State of Haryana and another***" and, as such, the appellants-landowners are held entitled for the enhanced market value of Rs.1210/- per sq.yrds. along with other statutory benefits and interest as per the provisions of 1894 Act. The relevant paragraph No.8 of the decision dated 08.09.2022 is extracted hereunder:-

"8. In view of the above and for the reasons stated above and following the judgment and order passed by this Court in the case of Balwant Singh (D) through Lr. Gurbinder Singh (supra), all these appeals are partly allowed. Accordingly, the judgment/s of the High Court is/are modified and the claimants of the land acquired under notification dated 7.4.1986 shall be entitled to the compensation @ Rs. 435/- per square yard. The claimants of the land acquired under notifications dated 5.6.1992 and 3.7.1995 shall be entitled to compensation @ Rs. 860/- and Rs. 1210/- per square yard respectively. The landowners shall be entitled to all other statutory benefits under the 1894 Act. However, as observed hereinabove and as observed while condoning the delay in preferring the appeals, it is directed that the claimants shall not be entitled to the statutory benefits including interest under the [Land Acquisition Act, 1894](#) on the enhanced amount of compensation from the date of the impugned judgment/s of the High Court till the respective appeals have been preferred before this Court. All these appeals are partly allowed to the aforesaid extent. However, in the facts and circumstances of the case, there shall be no order as to costs."

4.1 Furthermore, the observations made by the learned Reference Court with respect to the declining of relief to the appellants qua khasra

No.1440, 1420 and 1442, in the humble opinion of this Court, is wholly unjustified as none of the alleged “*gair maurusi*” so recorded in statement No.19 over khasra Nos.1440 and 1420 have ever come forward to raise any kind of claim of apportionment, thus, in the absence of any such proof, the appellants, being the owners, are held entitled for grant of compensation against acquisition of land bearing Khasra No.1440 and 1420. With respect to khasra No.1442 as well, the appellants have to be paid compensation as they happen to be “*biswedaran*” of proprietary body of the village, and no claim to the contrary has been set-up by the Gram Panchayat concerned.

5. In view of the discussion made herein above, the present petition is partly allowed.

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

26.08.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

**(HARKESH MANUJA)
JUDGE**