

OFFICE OF DIRECTOR HIGHER EDUCATION, HARYANA, PANCHKULA

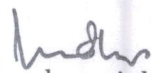
ORDER

No.130001/20-2020 Ad (3)

Dated, Panchkula, the 21/09/2022

A copy of letter No. 65211 dated 20.06.2022 received from District Attorney O/o Chief Secretary to Governemnt Haryana Regarding the judgment dated 19.04.2022 passed by the Hon'ble High Court of Punjab and Haryana, in RFA No. 309 of 2021, titled as State of Haryana andanother Vs. Rajbir and another is forwarded to the following for strict compliance:-

1. All the Principals of Government Colleges in the State.
2. All the Commanding Officers, NCC Units in the State.
3. Registrar, Kurukshetra Univesity, Kurukshetra/Maharishi Dayanand University, Rohtak/ Chaudhary Devi Lal University, Sirsa/Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan (Sonapat)/Indira Gandhi University, Meerpur (Rewari)/Chaudhary Ranbir Singh University, Jind/Chaudhary Bansi Lal University, Bhiwani/ Gurugram University, Gurugram/ B.R. Ambedkar National Law University, Rai (Sonapat)/Balmiki Sanskrit University, Mundri, Kaithal
4. All the Librarians of District Libraries/Sub Divisional Libraries in the State of Haryana/ Librarian.

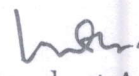

Superintendent Administration
for Director Higher Education, Haryana,
Panchkula.

Endst. No. Even

Dated, Panchkula the 21/09/2022

A copy is forwarded to the following for information and necessary action:-

1. PS/DHE, PA/JDA.
2. Registrar Education.
3. Incharge HRMS
4. Incharge IT Cell please upload on web portal.


Superintendent Administration
for Director Higher Education, Haryana,
Panchkula.

2147184 CPW
27/06/2022
1584 Legal Cell
28/6/2022

From

The Chief Secretary to Govt. Haryana

To

ACSHF
81-6-22

All Administrative Secretaries, Haryana
Chandigarh.

Memo No. 65211

Dated: 20 June 2022

Subject: Intimation regarding the judgment dated 19.04.2022 passed by the Hon'ble High Court of Punjab and Haryana, in RFA No. 309 of 2021, titled as State of Haryana and another Vs. Rajbir and another.

DHE
22/6/22

Kindly refer to the subject cited above.

Hon'ble Punjab and Haryana High Court has decided a bunch of cases vide judgement dated 19 April 2022 pertaining to acquisition carried out by the State of Haryana in District Rewari. These cases pertain to the transitional period between the repealment of the Land Acquisition Act 1894 and implementation of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013. The notifications under Section 4 & 6 were issued under the 1894 Act, whereas the Land Acquisition Collector (LAC) had passed the awards under Section 24(1) (a) of RFCTLARR Act, 2013.

Sh. Shivendra Swaroop, Ld. Addl. Advocate General, Haryana informed that some important questions of law arose before the Hon'ble Punjab & Haryana High Court and the same are reproduced hereunder:-

"(1). With respect to acquisition of immovable property during transitional period between the Land Acquisition Act, 1894 (hereinafter referred to as the 1894 Act) and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as RFCTLARR Act, 2013') regulated by Section 24(1)(a), whether the crucial date for the assessment of the market value is the date of enforcement of the Act i.e. 01.01.2014 or the date of publication of notification u/s 4(1) of the 1894 Act?

DHE 8
No. 4347
Date 23/6/22

ACSHF
Diary No 3895
Date 22-6-22

23/06/2022

S (Wks)

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26.22

(2). Whether the date from which the additional amount payable U/s 30(3) of RFCTLARR Act, 2013 @ 12% P.A. is to be calculated shall be 01.01.2014 or the date on which notification U/s 4(1) of the 1894 was published?

(3) Whether the letter/communication dated 26.10.2015 is in the nature of directions issued by the Central Government in exercise of power u/s 113 of the FRCTLAAR Act, 2013?

If the answer to question (3) is in affirmative, then, the next question which would required elaboration is:

(4) Whether during the transitional period, the communication dated 26.10.2015 shall supplant the provisions of the RFCTLAAR Act, 2013."

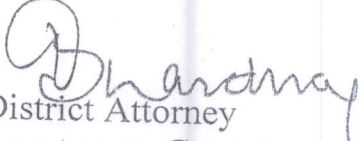
The Hon'ble High Court while deciding the said bunch applications on 19 April 2022 has answered the above mentioned questions as under:-

"(1) It has been declared that under Section 24(1) (a) during the transitional period, the market value will have to be assessed on the date of publication of notification under Section 4(1) of the 1894 Act.

(2) It has been held that the additional amount under Section 30(3) of the RFCTLARR Act, 2013 shall be calculated from the date of publication of notification under Section 4 of the 1894 Act till the date of the award or date of taking possession of the land, whichever is earlier.

(3)&(4) The Hon'ble High Court has also held the communication dated 26.10.2015 to be inconsistent with the substantive provision as well as the procedural requirements for issuing them as provided under the relevant Acts and liable to be ignored. It is well settled that after the Constitution of India, a Statute enacted by the Parliament is supreme. The rules, regulations, policy decisions, instructions and executive instructions, all from a part of subordinate/delegated legislation and therefore, they cannot supersede the statutory Act."

You are, therefore, requested to comply with the law laid down by the Hon'ble High Court vide judgment dated 19 April 2022 and brought the same to the notice of all concerned officers/officials for strict compliance.


District Attorney
for Chief Secretary to Govt. Haryana