

Balbir Singh & others Vs. State of Haryana & Others
(LAC No.208 of 2018)
alongwith 29 connected reference petitions (LAC No.209 of 2018 to LAC-237 of 2018)
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HRRH010071322018



Presented on : 29-09-2018
Registered on : 29-09-2018
Decided on : 30-07-2026

IN THE COURT OF
Additional District Judge at Rohtak,
Presided Over by Sh. Kapil Rathi {UID No.HR0286}
LAC-208 of 2018
Alongwith LAC-209 to 237 of 2018
Land Acquisition Act, 1894

1. Balbir Singh;
 2. Surajmal sons of Gopala son of Maidhan;
 3. Anand Singh;
 4. Rajkunwar;
 5. Kaptan
All sons of Shamsheer s/o Nihal;
 6. Sanjay;
 7. Madan;
 8. Mehar Singh
All sons of Devi Singh S/o Ranpat S/o Sheonath;
 9. Pushpa Devi D/o Devi Singh S/o Ranpat s/o Sheonath;
 10. Hoshiyar Singh s/o Gokul s/o Sheonath.
All residents of Village Nindana, Tehsil Meham, Distt. Rohtak.
-Petitioners.**

Versus

1. State of Haryana through Collector, Rohtak;
2. Superintending Engineer, PWD B&R Rohtak Circle, Rohtak;
3. Executive Engineer, Division no. 1, PWD B&R, Rohtak;
4. S.D.O. Sub-Division, Meham.

Petition U/s 18 of the Land Acquisition Act 1894 as amended upto date for enhancement of compensation in respect of the acquired land of the petitioners by the State of Haryana vide award No. 17-R dated 29-07-2013 passed by the Land Acquisition Collector PWD (B&R) Branch Bhiwani acquired for a public purpose, namely for Widening and strengthening of Gohana-Lakhan Majra-Meham-Bhiwani Road (State Highway-16-A from K.M. 16.00 K.M. 53.700 in Rohtak District (Haryana), under Tehsil Meham, Distt. Rohtak (Construction of Nindana Bypass))

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Date of Notification : No.28RA/199/IV/27 dated 11.01.2013
(Published on 22.01.2013 under Land Acquisition Act, 1894)
Date of the Award : 29.07.2013
Village : Nindana, Tehsil Meham, District Rohtak.
Land Acquired : Widening and strengthening of Gohana-Lakhan Majra-Meham-Bhiwani Road (State Highway-16-A from K.M. 16.00 K.M. to 53.700 in District Rohtak (Haryana), under Tehsil Meham Distt. Rohtak (Construction of Nindana Bypass)).

Argued by: S/Shri Mandeep Punia and Joshi Ahlawat, Advocates for Petitioners No.2 to 9.
(in LAC cases CIS No.208 to 237)
Shri Devender Verma, Advocate for the petitioners No.1 &10.
Shri Rohtas Balhara Advocate for the remaining Petitioners
Shri Gajender Mor, Govt. Pleader for the respondent No.1
Shri Jagjeet Malik, SDO on behalf of Respondents No.2 to 4.
Shri Rajesh Sharma, Advocate for the petitioners in LAC cases CIS Nos.227 and 228
Shri Rajesh Gill, Advocate for the petitioners in LAC cases CIS No.229 to 231

AWARD

The present main reference petition along with following twenty nine (29) more connected reference petitions have been filed under section 18 of the Land Acquisition Act 1894 as amended upto date for enhancement of compensation in respect of the acquired Land of the Petitioners by the State of Haryana vide award No. 17-R dated 29-07-2013 passed by the Land Acquisition Collector PWD (B&R) Branch Bhiwani acquired for a public purpose, namely for Widening and strengthening of Gohana-Lakhan Majra-Meham-Bhiwani Road (State Highway-16-A from K.M. 16.00 K.M. to 53.700 in Rohtak District (Haryana), under Tehsil Meham, Distt. Rohtak (Construction of Nindana Bypass) is hereby detailed as under :-

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Sr.No	LAC No.	CIS No.	Parties Name
1	141 of 2018	LAC/209/2018	Sukhbir & others Vs. State of Haryana & Ors.
2.	142 of 2018	LAC/210/2018	Randhir son of Tata Chand and others Vs State of Haryana & Ors.
3.	143 of 2018	LAC/211/2018	Balbir son of Jai Narain and others Vs State of Haryana and others
4.	144 of 2018	LAC/212/2018	Maha Singh son of Laxman and Others Vs State of Haryana and others
5.	145 of 2018	LAC/213/2018	Umed Singh son of Pyare Lal and Others Vs State of Haryana and others
6.	146 of 2018	LAC/214/2018	Ramphal and others Vs State of Haryana & others
7.	169 of 2018	LAC/215/2018	Sadhu Ram and others Vs State and others
8.	147 of 2018	LAC/216/2018	Om Devi Vs State of Haryana & others
9.	148 of 2018	LAC/217/2018	Bare Singh and others Vs State of Haryana and others
10.	149 of 2018	LAC/218/2018	Chand Ram and others Vs State of Haryana & others
11.	150 of 2018	LAC/219/2018	Rajesh son of Partap Singh and others Vs State of Haryana& others
12.	151 of 2018	LAC/220/2018	Randhir son of Ranpat and others Vs State of Haryana & others
13.	152 of 2018	LAC/221/2018	Mukhtiyar Singh son of Mansa Ram and others Vs State of Haryana and others
14.	153 of 2018	LAC/222/2018	Har Dayal son of Surat Singh and Anr. Vs State of Haryana and others
15.	154 of 2018	LAC/223/2018	Balwant Singh son of Ujala and others and others Vs State of Haryana and others
16.	155 of 2018	LAC/224/2018	Dilbag and others Vs. State of Haryana and others
17.	156 of 2018	LAC/225/2018	Balwan and others Vs State of Haryana

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18.	157 of 2018	LAC/226/2018	Mahabir and others S/o Sh. Hazari Vs State of Haryana and others
19.	158 of 2018	LAC/227/2018	Chhatru and others Vs State of Haryana and others
20.	159 of 2018	LAC/228/2018	Deepak and others Vs State of Haryana& others
21.	160 of 2018	LAC/229/2018	Kitabo Vs State of Haryana and others
22.	161 of 2018	LAC/230/2018	Krishan and others Vs State of Haryana and others
23.	162 of 2018	LAC/231/2018	Sahbo and others Vs State of Haryana and others
24.	163 of 2018	LAC/232/2018	Balwant Vs State of Haryana and others
25.	164 of 2018	LAC/233/2018	Ram Mehar and others Vs State of Haryana and others
26.	165 of 2018	LAC/234/2018	Ram Mehar son of Karam Singh and others Vs State of Haryana and others
27.	166 of 2018	LAC/235/2018	Ram Mehar and others Vs State of Haryana and others
28.	168 of 2018	LAC/236/2018	Balraj & Others Vs State of Haryana and others
29.	167 of 2018	LAC/237/2018	Jasbir and others Vs State of Haryana& Ors.

2. It is also pertinent to mention here that all the reference petitions have been filed within limitation period as per the orders passed by the Land Acquisition Collector, Bhiwani while referring the present petitions to the court.

3. Vide this common main Award passed in main reference petition titled as “Balbir Singh and others Versus State of Haryana and others”, this court shall dispose off the aforesaid 29 connected reference petitions filed under section 18 of Land Acquisition Act, 1894 for enhancement of the compensation in respect of land of the petitioners acquired by the respondents. Since these petitions are the out-come of the same Award No.17-R dated 29.07.2013 passed by Shri Yatinder Kumar

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Chhokar, District Revenue Officer-cum-Land Acquisition Collector PWD (B&R) Branch Bhiwani, therefore in order to avoid conflicting awards, the present 29 LAC Cases were consolidated and clubbed together with main reference petition titled as “Balbir Singh & others. Versus State of Haryana & Ors vide order dated 14.12.2018 passed by the court of Shri Fakhruddin, the then learned Additional District Judge, Rohtak and petition CIS LAC-208 of 2018 titled as “Balbir Singh Versus State of Haryana and Ors. was ordered to be treated as the main petition. The facts that culled out from the main petition are as follows :-

4. The brief facts of the case of the petitioners of the main petition are that they were owners in in possession of the land comprised in Khewat No. 330, Khasra No. 5783/2, (0 Bigha 14 Biswa), 5787/2 (0 Bigha 6 Biswa), 5788/1 (0 Bigha 9 Biswa), Kitte 3, total measuring 1 Bigha 9 Biswa pukhta situated within the revenue estate of Village Nindana, Tehsil Meham, Distt. Rohtak. The State of Haryana vide Govt. notification no. 28RA/199/IV/27 dated 11-01-2013 published on 22-01-2013 under section 4 of the Land Acquisition Act, (No.1 of 1894) and declared vide (hereinafter referred as "The Act") notification no. 28RA/199/IV/36 dated 27-05-2013 under section 6 of the Act thereafter published in the Haryana Govt. Gazette dated 27-05-2013 proposed to acquired the land of the petitioners as mentioned in the para no. 1 of the petition for the purpose of the construction of the Nindana Bypass; in pursuance of the said notification as mentioned in the para no. 2 of the petition, the Court of Land Acquisition Collector, PWD B&R Bhiwani passed the award No. 17R dated 29-07-2013 in respect of the acquired land of the petitioners.

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The compensation awarded to the petitioners is Rs. 20,00,000/- per acre which is very less and as the copy of the award has not been supplied to the petitioners, therefore the petitioners reserves the right to amend the petition as and when required. The petitioners are/were owner and in possession of the above mentioned land so they have interest in the land as acquired by the State Government. Since the award passed by the Land Acquisition Collector, PWD B&R Bhiwani is illegal, unjust, improper and worth less in comparison of market value and other necessary factors pertaining to the acquired land, so the petitioners have the just cause to challenge the award on the following grounds:-

- (i) The Land Acquisition Collector failed to acknowledged the market value of the acquired land of the petitioners which is 1,00,00,000/- per acre but the land acquisition collector announced the award at a very low rate of 20,00,000/- per acre;
- (ii) The acquired land of the petitioners is situated on State Highway No. 16-A and due to this fact, the land of the petitioner assumes a great importance but the LAC did not considered this important parameter while announcing the challenged award;
- (iii) The acquired land of the petitioners is situated with in the purview of the National Capital Region and the Govt. of Haryana vide its policy which was published in the Haryana Govt. Gazette dated 09-11-2010 and which was to take effect from 07-09-2010 announced and notified a revise policy laying down floor rates of the areas situated within the purview of NCR and the rates were determined at the rate of 25,00,000/- per acre with other statutory benefits but the learned LAC

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even did not considered the above said rates of the area of the NCR while announcing the present award;

- (iv) The acquired land of the petitioners is 9 Km. far away from Sub-Division Meham and 10 kms from Lakhan Majra and a distance of 39 kms from Rohtak city. Due to proximity of the acquired land of the petitioners with the above said places, it assumes a great potential value and market price of the acquired land of the petitioners is not less than 1,00,00,000/- per acre;
- (v) There are numerous public utility and private utility places situated near the acquired land of the petitioners. Govt. Sr. Sec. School, Nindana, Fateh Singh Sr. Sec. Private School, recognized by the Govt., Kisan Petrol Pump, Hotel etc. are situated near the acquired land of the petitioners;
- (vi) The the acquired land of the petitioners is fit for commercial, industrial and residential purposes but the learned LAC did not considered these relevant parameters while announcing the impugned award;
- (vii) The acquired land of the petitioners is at walking distance from Sub-Division Meham and in coming future it is every possibility that the acquired land of the petitioners would come with in the vicinity of the Sub-Division Meham on account of its proximity but the LAC did not considered this important parameter;
- (viii) The land acquisition collector has failed to appreciate the potential value of the acquired land and compensation awarded is neither adequate nor in accordance with law and rules and the petitioners would have been awarded compensation at the rate of 1,00,00,000/- per acre;

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- (ix) It has been decided by the Hon'ble Supreme Court in various cases including the latest cases that the land acquisition collector while deciding the award must considered market rate, future plan, potential utility and capacity and various usages viz. commercial public utilities and capacity of land should be kept in mind but the LAC did not take care of the settled propositions of the law while deciding the impugned award;
- (x) The petitioners also reserve their right to get the enhanced compensation in case the Land Acquisition Act is amended by the Parliament of India the petitioners are entitled for any benefit under the new amended Land Acquisition Act then the said statutory benefits under the new amended Act may kindly be also granted.

5. It is further alleged that the petitioners have no specific knowledge of the essential contents of the award and thus reserve their rights to amend the reference if so required; the reference is with in the time from the date of award; the present reference is being filed without any prejudice to the rights of the petitioners to challenge all the acquisition proceedings in the competent court of law; the acquired land is situated within the revenue estate of Village Nindana, Tehsil Meham, Distt. Rohtak so the reference is to be referred to the LAC to District Judge Rohtak for decision of the reference. With these submissions, it is prayed that the present reference may kindly be referred to the authority for re-determination of the market value and price of the acquired land belonging to the petitioners and the compensation of the acquired land of the petitioners may kindly be enhanced to the tune of Rs. 1,00,00,000/- (Rupees one crore only) per acre along with all statutory

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benefits enumerated in Section 23 (1) (1A), 2 and section 28 of the Land Acquisition Act, 1894 as amended upto date. It is also prayed that the petitioners also reserve their right to get the enhanced compensation in case the Land Acquisition Act is amended by The Parliament of India and the petitioners are entitled for any benefit under the new amended Land Acquisition Act then the said statutory benefits under the new amended Act may kindly be also granted.

6. It is pertinent to mention here that similar averments have also been made by other petitioners in the remaining connected 29 LAC petitions for enhancement of compensation as prayed by the petitioners in their respective consolidated LAC Petitions.

7. On notice, the respondents have appeared and resisted the petitions of the petitioners. Respondents No.2 to 4 have filed joint written statement alleging therein by way of preliminary objections that the petitioners have no locus standi to file the present petitions; the present petition is bad for non-joinder of necessary party and mis-joinder of necessary party; the present petition is not maintainable as the rates claimed by the petitioners in the present petition are exorbitant and without any basis and not as per the prevailing market value, hence the petition is liable to be dismissed being devoid of merit; the rates awarded by the Land Acquisition Collector are just, fair, adequate and have been awarded after considering all the relevant factors provided under the provisions of the Land Acquisition Act, 1894; the compensation has been awarded as per rising trend of the prices of the land and

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keeping in view the location, situation and potential value of the acquired land; therefore, the petition is devoid of merits and hence same is liable to be dismissed; the Collector rate of the acquired land at the time of issuance of notice under section 4 of Land Acquisition Act as per State Govt. was less than the compensation awarded by the respondents, so, the contention of the petitioners that the market value of the land is more than the compensation awarded by respondents is false on the face of it; the land in question has been acquired strictly in accordance with the provisions of Land Acquisition Act, for the public purpose i.e. for the construction of Nindana bypass.

8. It is further submitted that the land in question is an agricultural land as per revenue record; the agriculture land could neither be utilized nor converted for any other use, unless change of land use (C.L.U.) was obtained/granted under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1993; the land in question is agricultural, thus the same was under disability qua its other uses, therefore, the value of land in question cannot be compared with that of residential and commercial land as per permission of change of land is required for such cases.

9. It is further submitted that L.A.C. has awarded proper compensation of their acquired land as per market value. The L.A.C. has assessed the market price of the land after taking into consideration all the relevant provisions of the Act including the rates supplied by the Collector who is proper and highest

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revenue authority for ascertaining the market price of land, so the petitioners are not entitled to enhancement of compensation on any of the grounds given by the petitioners. Moreover, proper value of the trees and tubewell has been awarded to land owners whose land has been acquired; the market value of land in question has been fixed after taking into consideration all relevant factors provided in the Act and the assessment of market rate of the acquired land is in accordance with law and provisions of the Land Acquisition Act. The value of land is not Rs. 1,00,00,000/-per acre in any manner . The rate of compensation was fixed in accordance with the provisions of the Act and is proper, just and adequate. The Land in question does not come within NCR Area. The land of the petitioners is agricultural land and cannot be used for other purposes. Moreover the land has been acquired for public purposes. Proper compensation of the acquired land has been awarded to the petitioners. All the facts have been properly kept in mind of the respondents. The LAC has followed the principle of law laid down by the Hon'ble Supreme Court of India and Hon'ble High Court of Punjab and Haryana at the time of ascertaining the market value of the acquired land. With these submissions, it is prayed that the present petition along with consolidated petitions may be dismissed with costs.

10. It is also pertinent to mention here that no separate written statement on behalf of respondent No.1 was filed and learned Government Pleader vide his separately recorded statement on 14.12.2018 stated that State does not want to

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file separate written statement rather written statement filed on behalf of respondents No.2 to 4 may also be read on behalf of respondent No.1.

11. From the pleadings of the parties, following issues were framed vide order dated 14.12.2018 :-

- (1) What was the market value of the acquired land at the time of issuance of notification under Section 4 of the Land Acquisition Act, 1894?OPP
- (2) Whether the petitioners are entitled to any amount as enhanced compensation as alleged, if so, to what extent?OPP
- (3) Relief.

12. In order to prove the case of the petitioners, petitioners have examined as many as 3 witnesses i.e. Ajit Singh son of Chaju Ram as PW1, Dhrambir Singh as PW2 and Umed Singh as PW3 and they have tendered their duly sworn affidavits i.e. **Ex.PW1/A, Ex.PW2/A and Ex.PW3/A** respectively in their evidence. Besides this, the petitioners have tendered the following documents in their evidence :-

Sr.No.	Name of documents	Exhibits & Marks
1.	Certified copy of Sale deed No. 3702 dated 14.03.2011	Ex.P1
2.	Certified copy of Sale deed No. 1979 dated 07.09.2012	Ex.P2.
3.	Certified copy of Sale deed No. 1108 dated 26.06.2014	Ex.P3.
4.	Certified copy of Award No.17-R for the year 2013 announced by Shri Yatinder Kumar, District Revenue Officer-cum-Land Acquisition Collector PWD (B&R) Branch Bhiwani.	Ex.P4
5.	Copy of Register Intkal	Ex.P5

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6.	Site plan.	Mark-A
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13. Thereafter, the evidence of the petitioners was closed by court order vide order dated 07.02.2023.

14. On the other hand, the respondents have examined Jagjeet Singh SDE, Sub Division Meham, Provincial Division No.1 PWD (B&R) Branch Rohtak as RW1 and he has tendered his duly sworn affidavits **Ex.RW1/A** in his evidence and deposed as per averments made in the written statement/reply. Besides this, the respondents have tendered the following documents in their evidence :-

Sr.No	Name of documents	Exhibits & Marks
1.	Copy of Award No.17-R for the year 2013 announced by Shri Yatinder Kumar, District Revenue Officer-cum-Land Acquisition Collector PWD (B&R) Branch Bhiwani.	Ex.RW1/B
2.	Attested copy of Sale deed No.4630 dated 05.03.2012	Ex.RW1/C
3.	Attested copy of Sale deed No. 869 dated 11.06.2012	Ex.RW1/D
4.	Attested copy of Sale deed No.1809 dated 22.08.2012	Ex.RW1/E
5.	Attested copy of Sale deed No.708 dated 29.05.2012	Ex.RW1/F

15. Thereafter, evidence of the respondents was by Jagjeet Singh, SDE vide his separately recorded statement on 24.02.2025.

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16. No rebuttal evidence was present and the same was closed by the learned counsel for the petitioners by making his separate statement on 30.07.2026.

17. I have heard Shri Mandeep Punia, Joshi Ahlawat, Advocates for Petitioners No.2 to 9 (in LAC cases CIS No.208 to 237), Shri Devender Verma, Advocate for the petitioners No.1 & 10, Shri Rajesh Sharma & Rohtas Balhara Advocates for the remaining Petitioners and Shri Gajender Mor, GP for the State/respondent no.1, Mr. Jagjit Singh SDE on behalf of Respondents No.2 to 4 and gone through the record thoroughly and very carefully and my findings on the issues are as under :-

Issues No.1 and 2

18. Onus to prove both these issues were on the petitioners. Both these issues are interconnected with each other, therefore, the same are decided together.

19. In order to prove issues No.1 and 2, petitioners have examined as many as 3 witnesses. The Brief resume of the evidence of the witnesses are as under :-

(i) **PW1 Ajit Singh son of Chaju Ram** has tendered his duly sworn affidavit **Ex.PW1/A** and deposed as per averments made in the LAC Petition and in his cross examination, he specifically admitted that he has not raised any objection regarding notification issued under section 4 of the Act. He has not raised any objection to the gap between notification and before receiving Government compensation.

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(ii) **PW2 Dharambir Singh** has tendered his duly sworn affidavit **Ex.PW2/A** and deposed as per averments made in the LAC Petition and in his cross examination, he specifically admitted that he has not raised any objection regarding notification issued under section 4 of the Act. He has not raised any objection to the gap between notification and before receiving Government compensation.

(iii) **PW3 Umed Singh son of Payare Lal** has tendered his duly sworn affidavit **Ex.PW3/A** and deposed as per averments made in the LAC Petition and in his cross examination, he specifically admitted he has not raised any objection regarding notification issued under section 4 of the Act. He has not raised any objection to the gap between notification and before receiving Government compensation.

20. On the other, respondents have examined Jagjeet Singh SDE, Sub Division Meham, Provincial Division No.1 PWD(B&R) Branch Rohtak as RW1

(i) **RW1 Jagjeet Singh, SDE Provincial Sub Division Meham Officer of Executive Engineer, Provincial Division PWD (B&R)** has tendered his duly sworn affidavit **Ex.RW1/A** and deposed in the line with the averments made in the written statement. In his cross examination, he admitted that award has been passed in terms of the provisions of Land Acquisition Act, 1894. It is correct that PWD (B&R) has distributed the award amount passed by Land Acquisition Collector.

ARGUMENTS

21. Learned counsel for the petitioners has submitted that the competent authority/LAC failed to acknowledged the market value of the acquired land of the

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petitioners which is Rs.1,00,00,000/- per acre but the Land Acquisition Collector announced the award at a very low rate of 20,00,000/- per acre; the acquired land of the petitioners is situated on State Highway No. 16-A and due to this fact, the land of the petitioner assumes a great importance but the LAC did not considered this important parameter while announcing the challenged award; the acquired land of the petitioners is situated within the purview of the National Capital Region and the Govt. of Haryana vide its policy which was published in the Haryana Govt. Gazetted dated 09-11-2010 and which was to take effect from 07-09-2010 announced and notified a revised policy laying down floor rates of the areas situated within the purview of NCR and the rates were determined at the rate of 25,00,000/- per acre with other statutory benefits but the learned LAC even did not considered the above said rates of the area of the NCR while announcing the present award; the acquired land of the petitioners is 9 Km. far away from Sub-Division Meham and 10 kms from Lakhna Majra and a distance of 39 kms from Rohtak city; due to proximity of the acquired land of the petitioners with the above said places, it assumes a great potential value and market price of the acquired land of the petitioners is not less than 1,00,00,000/- per acre; there are numerous public utility and private utility places situated near the acquired land of the petitioners. Govt. Sr. Sec. School, Nindana, Fateh Singh Sr. Sec. Private School, recognized by the Govt., Kisan Petrol Pump, Hotel etc. are situated near the acquired land of the petitioners; the acquired land of the petitioners is fit for commercial, industrial and residential purposes but the learned LAC did not considered these relevant parameters while announcing the impugned award; the acquired land of the petitioners is at walking distance from

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Sub-Division Meham and in coming future it is every possibility that the acquired land of the petitioners would come with in the vicinity of the Sub-Division Meham on account of its proximity but the learned. LAC did not considered this important parameter; the Land Acquisition Collector has failed to appreciate the potential value of the acquired land and compensation awarded is neither adequate nor in accordance with law and rules and the petitioners would have been awarded compensations at the rate of 1,00,00,000/- per acre; it has been decided by the Hon'ble Supreme Court in various cases including the latest cases that the land acquisition collector while deciding the award must consider market rates, future plan, potential utility and capacity and various usages viz. Commercial, public utilities and capacity of land should be kept in mind but the LAC did not take care of the settled propositions of the law while deciding the impugned award; petitioners also reserve their right to get the enhanced compensation in case the Land Acquisition Act is amended by the Parliament of India and the petitioners are entitled for any benefit under the new amended Land Acquisition Act then the said statutory benefits under the new amended Act may kindly be also granted, the acquired land is situated within the revenue estate of Village Nindana, Tehsil Meham Distt. Rohtak so the reference is to be referred by the LAC to District Judge Rohtak for decision of the reference. With these submissions, it is prayed that the present reference may kindly be referred to the authority for re-determination of the market value and price of the acquired land belonging to the petitioners and the compensation of the acquired land of the petitioners may kindly be enhanced to the tune of Rs. 1,00,00,000/- (Rupees one crore only) per acre along with all statutory

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benefits enumerated in Section 23 (1) (1A), 2 and section 28 of the Land Acquisition Act, 1894 as amended upto date. In order to substantiate their arguments, learned counsel for the petitioners have relied upon case law titled as **Madhusudan Kabra & Ors. Versus the State of Maharashtra & Others, 2008 (1) SCC 140 (SC)** and **Anjani Molu Dessai Versus State of Goa and another 2010 (13) SCC 710 (SC)**.

22. **Per Contra**, learned Government Pleader for the respondent No.1 assisted by Authorized Representatives of respondents No.2 to 4 rebutted the arguments advanced by learned counsel for the petitioners by arguing that the LA Collector had considered all the relevant factors while passing award dated **29.07.2013** and therefore, no case of further enhancement is made out in favour of the petitioners. It was further argued that the present petition is not maintainable as the rates claimed by the petitioner in the present petition are exorbitant and without any basis and not as per the prevailing market value, hence the petition is liable to be dismissed being devoid of merit; the rates awarded by the Land Acquisition Collector are just, fair, adequate and have been awarded after considering all the relevant factors provided under the provisions of the Land Acquisition Act; the compensation has been awarded as per rising trend of the prices of the land and keeping in view the location, situation and potential value of the acquired land; therefore, the petition is devoid of merits and hence same is liable to be dismissed; the Collector rate of the acquired land at the time of issuance of notice under section 4 of Land Acquisition Act as per State Govt. was less than the compensation awarded by the respondents, so, the contention of the petitioners that the market

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value of the land is more than the compensation awarded by respondents is false on the face of it; the land in question has been acquired strictly in accordance with the provisions of Land Acquisition Act, for the public purpose i.e. for the construction of Nindana Bypass; the land in question is an agricultural land as per revenue record; the agriculture land could neither be utilized nor converted for any other use, unless change of land use (C.L.U.) was obtained/granted under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1993; the land in question is agricultural, thus the same was under disability qua its other uses, therefore, the value of land in question cannot be compared with that of residential and commercial land as per permission of change of land is required for such cases.

23. It is further submitted that the L.A.C. has assessed the market price of the land after taking into consideration all the relevant provisions of the Act including the rates supplied by the Collector who is proper and highest revenue authority for ascertaining the market price of land, so the petitioners are not entitled to enhancement of compensation on any of the grounds given by the petitioners. Moreover, proper value of the trees and tubewell has been awarded to land owners whose land has been acquired; the market value of land in question has been fixed after taking into consideration all relevant factors provided in the Act and the assessment of market rate of the acquired land is in accordance with law and provisions of the Land Acquisition Act; the value of land is not Rs.1,00,00,000/-in any manner; the rate of compensation was fixed in accordance

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with the provisions of the Act and is proper, just and adequate; the Land in question does not come within NCR Area; the land of the petitioners is agricultural land and cannot be used for other purposes; the land has been acquired for public purposes; proper compensation of the acquired land has been awarded to the petitioners. All the facts have been properly kept in mind of the respondents. The LAC has followed the principle of law laid down by the Hon'ble Supreme Court of India and Hon'ble High Court of Punjab and Haryana at the time of ascertaining the market value of the acquired land. With these submissions, it is prayed that the present petitions along with consolidated petitions may be dismissed with costs. In order to substantiate his arguments, learned Govt. Pleader has relied upon case law titled as **New Okhla Industrial Development Authority Versus Harnand Singh (deceased) through LR's. Civil Appeal No. 3674-3675 of 2023, M.A. No. 2607 of 2023 in SPL © No.29597-29639 of 2010 (SC), decided on 10.07.2024, State of Punjab Versus Mohar Singh, AIR 1955 Supreme Court 84, State of Haryana and another Versus Daan Singh & Others , RFA 2069-2021 (O&M) (P&H), Krishan Singh & Others Versus State of Punjab & Others, CWP-28799-2019 (O&M), decided on 05.10.2023 (P&H) and The Executive Engineer Gosikhurd Project Ambadi Bhandara, Maharashtra Vidarbha Irrigation Development Corporation Versus Mahesh and others (Arising out of Special Leave petition (Civil) Nos. 13093-13094 of 2018 (SC).**

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24. I have heard learned counsel for the petitioners and learned Government Pleader assisted by Authorized representatives on behalf of respondents No.2 to 4 and have perused the case files carefully.

25 So, considering the entire evidence brought on record by both the parties and the submissions made by learned counsels for both the parties, it is matter of record that the present main reference petitions along with 29 reference petitions have been filed by the land owners/petitioners seeking enhancement of compensation of their acquired land which is acquired for public purpose pertaining to construction of Nindana Bypass(Widening and strengthening of Gohana-Lakhan Majra-Meham-Bhiwani Road (State Highway-16-A from K.M. 16.002 K.M.53.700 in District Rohtak (Haryana), under Tehsil Mehram, Distt. Rohtak.

26. After having heard the submissions of both the sides and having perused the entire evidence led by both the parties on record, it transpires that in pursuance of the Govt. Notification No. 28RA/199/IV/27 dated 11.01.2013, Published on 22.01.2013 under section 4 of the Land Acquisition Act (No.1 of 1894) (hereinafter referred to as "The Act") and declared vide Notification No. 28RA/199/VI/36 Dated 27-05-2013 under section- 6 thereafter published in the Haryana Govt, Gazette dated 27-05-2013 the state Govt. acquired 46 Bigha 11 Biswa of land in Village Nindana Hadbast No. 107 Teh. Mehram Distt.Rohtak at public expenses, for a public purpose, namely for Widening & Strengthening of Gohana - Lakhan Majra Mehram -Bhiwani Jland (SH-16A) from Km 16.00 to 53.700 in Rohtak District (Haryana), under Teh. Mehram Distt. Rohtak (construction of Nindana bye pass), the correction in the said

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award was also made as per provisions of section 13-A-1 of Land Acquisition Act and as per corrigendum Notification No. 28RA/199/VI/36 Dated 27-05-2013 published in Haryana Govt Notification dated 04.11.2014 as total land acquired was corrected to read as 46 Bigha 19 Biswa instead of 46 Bigha 11 Biswa and the class of land with area under Acquisition was also corrected as 46 Bigha 12 Biswa (Nehri) and the total compensation awarded was Rs.7,99,499,83/- instead of Rs. 7,92,68,831/-

27. During the evidence, the petitioners have tendered exemplar sale deeds **Ex.P1 to Ex.P3** , which are mentioned in a tabular form as under :-

Sr. No.	Sale deed No.	Date of Sale Deed	Village	Area Rakba (Bigha-Biswa)	Rate per Acre	Exhibit	Type of land
1.	3702	14.03.2011	Nindana	2-0	Rs 28,80,000/-	P1	Agriculture Land
2.	1979	07.09.2012	Nindana	0-3.5	Rs.31,54,285/-	P2	plot/ Land
3	1108	26.06.2014	Nindana	3-6	Rs.39,27,273/-	P3	Agriculture Land

28. Before proceeding further, the Hon'ble Supreme Court of India in case New Okhla Industrial Development Authority's case (Supra) held in para No.25 and 26:-

25. However, for utilizing these sale deeds as the foundation for determining compensation, it is imperative that these sale instances satisfy certain criteria of comparability. In this regard, it is necessary that the sale deeds adhere to the following factors:-

(i) the sale must be a genuine transaction;

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- (ii) *the sale deed must have been executed at the time of proximate to the date of notification issued under section 4 of the 1894 Act;*
- (iii) *the land covered by the sale must be in the vicinity of the acquired land; and*
- (iv) *the nature of such land, including its size, must be similar to the acquired land;*

29. *There is no gainsaying that the prices of small plots of land cannot ordinarily serve as the basis of evaluating the market value of larger tracts of land". However, there is no legal impediment against considering sale exemplars of smaller parcels of land , provided they are subjected to cuts or deductions. The reasoning behind this exercise is that smaller plots of land are typically valued at a higher price owing to their developed nature, contrasting with larger tracts that require substantial areas to be set aside towards setting up infrastructure such as roads, parks or other civic amenities" . Therefore, adjusting these values through appropriate cuts would provide a more accurate approximation of the lands's value.*

30. So, the aforesaid table reflects that exemplar sale deeds led on record by the petitioners reflects that sale deed No.1108 dated 26.06.2014 exemplar Ex.P3 was executed post the date of Publication of notification under section 4 of the Land Acquisition Act, 1894 in this case i.e. 22.01.2013. So, this exemplar sale deed cannot be considered as relevant sale deed exemplar demonstrating the market value of the acquired land at the time of

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publication of the notification as per section 23 of the the Land Acquisition Act, 1894. Now, the remaining sale deed exemplar No. 1979 dated 07.09.2012 Ex.P2 measuring 3.5 Bigha (corresponding to 17 marlas or equivalent to 491 sq. yards). So, this sale deed is of very small parcel of land and is pertaining to residential plot area near the abadi of the village, so the nature of the land is totally different from the land which was acquired by the defendants as the nature of acquired land is agricultural, so both the lands are not comparable. Also its location and distance from the acquired land have not been proved on record by the petitioners during the evidence led by them, so this sale deed also does not satisfy the criteria required to be considered as provided under section 23 of the Land Acquisition Act, 1894.

31 So, the remaining sole sale deed No.3702 dated 14.03.2011 (2 bigha 0 Biswa) corresponding to 10 Kanal is also of small parcel of land as compared to the total land acquired for public purposes and for construction of Nidana Bye Pass 46 Bigha and 19 Biswa. Also considering the fact that the petitioners have not examined any witness pertaining to the said sale deed transaction Ex.P1 on record to establish that it was the sale at market value and by willing sellers to a willing purchasers. Also, no aks shajra/ site plan has been proved on record in order to prove its correct location and distance from the acquired land during the evidence led and there is no cogent evidence on record in this regard. Also there is no evidence that the alleged sale deed pertains to a bonafide transaction and the land is comparable in

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nature. So, no reliance can be place even on this sale deed exemplar **Ex.P1**, so all the sale deed exemplars **Ex.P1 to Ex.P3** stand discarded as the petitioners have failed to prove the actual market value at the relevant point of time was more than the market value assessed by LAC while passing the award dated 29.07.2013 Ex.P4 on record.

32. It is also held in the aforesaid **New Okhla Industrial Development Authority's case (Supra)** that “utilizing these sale deeds as the foundation for determining compensation, it is imperative that these sale instances satisfy certain criteria of comparability. In this regard, it is necessary that the sale deeds adhere to the factor that the sale deed must have been executed at the time of proximate to the date of notification issued under section 4 of the 1894 Act; the land covered by the sale must be in the vicinity of the acquired land; and the nature of such land, including its size, must be similar to the acquired land. So, considering these factors when seen in the light of exemplar sale deeds **Ex.P1 & Ex.P2**, reflects that their size/area, location is also not similar to that of the acquired land. So, size/area of the such land is admittedly different than the land acquired whose nature is agriculture land and it was acquired for Public purpose for Widening and strengthening of Gohana-Lakhan Majra-Meham-Bhiwani Road (State Highway-16-A from K.M. 16.00 K.M. to 53.700 in Rohtak District (Haryana), under Tehsil Mehams, Distt. Rohtak (Construction of Nindana Bypass). So, the evidence which has come on record reflects that the Land acquisition Collector Rohtak

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passed the award dated 29.07.2013 Ex.P4 after having assessed the market value of the acquired land at the rate of Rs. 20,00,000/- per acre and keeping in view the location and all other factors which are found essential for the determination of the market value of the acquired land, Land acquisition Collector Rohtak has awarded Rs. 20,00,000/- per acre of the land acquired of the petitioners by the defendants for construction of Nidana Bye Pass, being a public purpose. It is well settled, that the petitioners have to prove its case by leading cogent and convincing evidence, in order to get the relief as prayed for but they had failed to prove their case of enhancement of land compensation.

33. The Hon'ble Supreme Court of India held in Para No.6 and Para No.11 of the case law titled as "**Karnataka Urban Water Supply and Drainage Board etc. Versus K.S.Gangadharappa and Anr. etc. Civil Appeal Nos. 2549-2553 of 2019, decided on 15.04.2009** that *"it is a trite proposition that prices fetched for small plots cannot form safe bases for valuation of large tracts of land as the two are not comparable properties. The principle that evidence of market value of sales of small, developed plots is not a safe guide in valuing large extents of land has to be understood in its proper perspective"*

11.It can be broadly stated that the element of speculation is reduced to minimum if the underlying principles of fixation of market value with reference to comparable sales are made:-

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- (i) when sale is within a reasonable time of the date of notification under section 4 (1);*
- (ii) it should be a bona fide Transaction;*
- (iii) it should be of the land acquired or of the land adjacent to the land acquired and*
- (iv) it should possess similar advantages.*

34. Also, in order to rebut the case of the petitioners, the respondents have also tendered sale deed **Ex.RW1/C to Ex.RW1/F** during the evidence, were executed at the time proximate to the date of publication of notification dated 22.01.2013 and when comparing the sale deed also reflects that the following sale deeds with complete particulars as are mentioned in a tabulated form as under :-

Sr. No.	Sale deed No.	Date of Sale Deed	Village	Area Rakba	Rate per Acre	Exhibit	Area
1.	4630	05.03.2012	Nindana	1-12	16,00,000/-	RW1/C	Agriculture Land
2.	869	11.06.2012	Nindana	2-12	16,00,000/-	RW1/D	Agriculture Land
3	1809	22.08.2012	Nindana	3-1	16,00,000/-	RW1/E	Agriculture Land
4.	708	29.05.012	Nindana	2-7	16,00,000/-	RW1/F	Agriculture Land

35. Now, perusal of the aforesaid relevant sale deeds exemplar **Ex.RW1/C to Ex.RW1/F** and their sale deed consideration is of Rs.16,00,000/- per acre and is of agriculture land and the same is less then the market value assessed by the Land Acquisition Collector of the acquired land

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at the rate of Rs. 20,00,000/- per acre of the agriculture land and not reflecting the representative of market price of the acquired land at the relevant point of time. So, these sale deeds cannot be relied upon. So, even the evidence led on behalf of the respondents reflects that these sale deed exemplars are even of lesser market value of the rate per acre than the rate awarded by the LAC for the acquired land and their size/area, location is also not similar to that of the acquired land and hence stands discarded.

36. So, considering the aforesaid evidence i.e. exemplar sale deeds and the factors laid down by the Hon'ble Supreme Court of India in case **New Okhla Industrial Development Authority's case (Supra)**, the petitioners have failed to prove that land depicted in the sale deed exemplar **Ex.P1 and Ex.P2** were situated near the surrounding of the acquired land and were having locational and potential advantage and the market value assessed by the Land Acquisition Collector at the rate of Rs. 20,00,000/- per acre vide award dated **29.07.2013** with statutory benefits is on the lessor side then the actual market value at that relevant point of time. So, the compensation awarded in favour of petitioners by the LAC Bhiwani vide award Ex.P4 dated 29.07.2013 is just, fair and adequate and petitioners are not entitled to any enhancement of the compensation amount, after considering all the factors in determining compensation as per section 23 of the Land Acquisition Act, 1894.

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37. Also, it has come on record as copy of the list of eligible land owners to whom the LAC has also provided rehabilitation grant as additional assistance to the eligible Land Owners, whose land has been severed due to project of construction of Nindana Bypass to the petitioners as per rehabilitation policy of the Govt. at that relevant point of time, so, the petitioners have also failed to prove any additional compensation amount to be paid to them on account of severance of their acquired land for the construction of Nindana Bye Pass.

38. Also there is no evidence, which has been led on record that the petitioners were compelled to change their residence or place of business or they suffered damaged bonafide resulting from Diminution of the profits of the land between the time of publication of the declaration under section 6 and the time of Collector's taking possession of the land. So, considering the entire evidence led on record, the petitioners have failed to prove these issues in their favour. **Accordingly, Issues No.1 and 2 are decided against the petitioners.**

39. The case laws relied upon by learned counsel for the petitioners are not applicable to the facts of the present case being distinguishable.

RELIEF:-

40. So, considering the aforesaid discussion and reasons and in the light of findings given on issues No.1 and 2, the petitioners have failed to prove

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their case for enhanced compensation of their acquired land, so the present main reference petition alongwith 29 other connected petitions filed by the petitioners stands dismissed being devoid of merits, with no order as to cost. Memo of cost be prepared accordingly. File be consigned to record room after complying with Rule 3 and 4 of the Chapter 16 Part F Volume IV of Hon'ble High Court Rules and Orders.

Announced in open court

Dated: 30.07.2026.

(Kapil Rathi)
Additional District Judge,
Rohtak, UID No. HR0286

Note:- All the pages have been checked and signed by me.

(Kapil Rathi)
Additional District Judge,
Rohtak, UID No. HR0286₁

Lalita, SG-1

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Present: S/Shri Mandeep Punia and Joshi Ahlawat, Advocates for
Petitioners No.2 to 9. (in LAC cases CIS No.208 to 237)
Shri Devender Verma, Advocate for the petitioners No.1 &10.
Shri Rohtas Balhara Advocate for the remaining Petitioners
Shri Gajender Mor, Govt. Pleader for the respondent No.1
Shri Jagjeet Malik, SDO on behalf of Respondents No.2 to 4.
Shri Rajesh Sharma, Advocate for the petitioners in LAC cases CIS
Nos.227 and 228

Shri Rajesh Gill, Advocate for the petitioners in LAC cases CIS No.229
to 231

No rebuttal evidence is present. Learned counsels for the petitioners have
closed the rebuttal evidence by making a separate statement.

Final arguments in the present main petition along with connected
petitions heard. Now to come upon after lunch session for orders.

Dated: 30.07.2026

Lalita, SG-1

(Kapil Rathi)
Additional District Judge,
Rohtak, UID No. HR0286

Present: S/Shri Mandeep Punia and Joshi Ahlawat, Advocates for Petitioners
No.2 to 9. (in LAC cases CIS No.208 to 237)
Shri Devender Verma, Advocate for the petitioners No.1 &10.
Shri Rohtas Balhara Advocate for the remaining Petitioners
Shri Gajender Mor, Govt. Pleader for the respondent No.1
Shri Jagjeet Malik, SDO on behalf of Respondents No.2 to 4.
Shri Rajesh Sharma, Advocate for the petitioners in LAC cases CIS
Nos.227 and 228
Shri Rajesh Gill, Advocate for the petitioners in LAC cases CIS No.229
to 231

Order announced. Vide my separate award of even date, the present
main reference petition along with 29 other connected reference petitions filed by
the petitioners has been dismissed with no order as to costs. Memo of costs be
prepared accordingly. File be consigned to record room after complying with Rule 3
and 4 of the Chapter 16 Part F Volume IV of Hon'ble High Court Rules and Orders.

Announced in open court

Date of order: 30.07.2026.

Lalita, SG-1

(Kapil Rathi)
Additional District Judge,
Rohtak, UID No. HR0286

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