

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 957 of 2010 (O&M)
Date of decision: December 10, 2015

Chander

.. Appellant

v.

Haryana State and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: S/Shri Shailendra Jain, Senior Advocate with
Gaurav Aggarwal, Sandeep Sharma, P. R. Yadav and
Ms. Sheenu Sura, Advocates for the landowners.
Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

...

Rajesh Bindal J.

This order will dispose of
RFA Nos. 957, 2979 to 2981 of 2010;
RFA No. 674 of 2011;
RFA Nos. 804 and 7196 of 2012; and
RFA No. 6595 of 2014.

The landowners are in appeal seeking further enhancement of
compensation for the acquired land.

Briefly, the facts of the case are that vide notification dated
23.6.2003, issued under Section 4 of the Land Acquisition Act, 1894 (for
short, 'the Act'), State of Haryana sought to acquire 23.54 acres of land,
situated within the revenue estate of village Wazirabad, Tehsil & District

Gurgaon for Botanical Garden in Sector 52-A, Gurgaon. The same was followed by notification dated 16.4.2004, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award No. 13 dated 10.11.2004, assessed the compensation of the acquired land @ ₹ 12,00,000/- per acre. Aggrieved against the award of the Collector, the landowners filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, vide awards dated 27.10.2009, 29.9.2011 and 30.8.2012 awarded compensation @ ₹ 717/- per square yard. Vide another award dated 21.3.2014, the learned court below awarded compensation @ ₹ 2,106/- per square yard.

Learned counsel for the landowners submitted that the acquired land in the present case is located close to the land acquired vide notification dated 9.6.2003. The appeals pertaining to valuation of land acquired vide aforesaid notification are pending in this court. Whatever amount of compensation is determined for that acquisition, the same may be granted to the landowners in the present case as well.

Learned counsel for the State did not dispute the fact that the acquired land in the present case is located close to the land acquired vide notification dated 9.6.2003 and the appeals pertaining to valuation of land acquired vide aforesaid notification are pending in this court.

Heard learned counsel for the parties and perused the relevant referred record.

Vide notification dated 23.6.2003, the land pertaining to revenue estate of Wazirabad was acquired. The land acquired in the present case is located close to the land of revenue estate of Wazirabad, which was acquired vide notification dated 9.6.2003. Vide separate judgment passed today in RFA No. 2269 of 2010—Phool Singh and another v. State of Haryana and another, this court has assessed the compensation @ ₹ 2,403/- per square yard pertaining to land of revenue estate of Wazirabad, which was acquired vide notification dated 9.6.2003. As the land in question is located in the same area, the landowners in the present case deserve to be granted the same amount of compensation, i.e., @ ₹ 2,403/- per square yard. Ordered accordingly. The landowners shall also be entitled to all

statutory benefits available to them under the Act.

The appeals are disposed of accordingly.

(Rajesh Bindal)
Judge

December 10, 2015
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