

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RFA No.808 of 2015 (O&M)

Date of decision: 20.8.2015

Ashutosh Kumar Gupta

..... Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Kartar Singh Malik-I, Advocate, for the landowner.

Mr. Abhinash Jain, Assistant Advocate General, Haryana.

RAJESH BINDAL, J

Challenge in the present appeal is to the award of the learned reference court passed in an application filed by the appellant under Section 28A of the Land Acquisition Act, 1894 (for short “the Act”)

Brief facts of the case are that the State of Haryana vide notification dated 1.1.2002, issued under Section 4 of the Act sought to acquire land situated within the revenue estate of village Rohtak, Tehsil and District Rohtak, for development and utilisation as residential, transport, communication Sector-6, Rohtak. Notification under Section 6 of the Act was issued on 30.12.2002. The Land Acquisition Collector (for short, 'the Collector') vide award dated 29.12.2004 assessed the market value of the acquired land @ ₹ 4,50,000/- per acre for Nehri land; ₹ 3,50,000/- per acre for Gair Mumkin, Banjar Kadim, Bhood and Barani and ₹ 5,50,000/- per acre for land near the road upto the depth of one acre. The landowners feeling dissatisfied with the award of the Collector, filed objections. Considering the material placed on record, the learned court below vide its award dated 30.11.2010, determined the market value of the land @ ₹ 8,65,435/- per acre. The appellants did not file objections under Section 18 of the Act, but later on filed application under Section 28A of the Act, which was dismissed on 29.10.2013. The award dated 29.10.2013, passed by the Collector has been impugned in the present appeal.

Learned counsel for the parties are agreed that the issue raised in the present appeal regarding maintainability thereof against the award of the Collector passed in application under Section 28A of the Act was gone into by this Court in RFA No.6990 of 2013—Ompal v. State of Haryana and others, decided on 1.7.2015 and the present appeal be decided in terms thereof.

In view of the fair stand taken by learned counsel for the parties, the present appeal is disposed of in terms of Ompal's case (supra).

(RAJESH BINDAL)
JUDGE

20.8.2015

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