

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

RFA-291-2010 and other connected matters

Date of decision:15.2.2016

Mukesh Kumar

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Raghuvesh Sinhal, Advocate for the appellant in
RFA No.291 of 2010.
Mr.Sonu Giri, Advocate for Mr.Sandeep Sharma, Advocate,
for the appellant in RFA No.544 of 2010, 430 and 3008 of
2012.
Mr.R.A.Yadav, Advocate,
for the appellants in RFA No.5446 of 2011.
Mr.Amit Jain, Advocate in Cross Objection No.30/CI/2013 in
RFA No.3008 of 2012 and for the appellants in RFA Nos.3494
& 5281 of 2010 & RFA No. 3008 of 2012.
Mr.C.B.Goel, Advocate for the appellant in
RFA No.2689 of 2015.
Mr.R.C.Chauhan, Advocate for the appellants in
RFA No.4525 of 2011
Mr.D.D.Gupta, Advocate for
Mr.G.S.Hooda, Advocate,
for the appellant in RFA No.1609 of 2011.
Mr.Abhinash Jain, AAG, Haryana for the appellants
in RFA No.6358 and 6359 of 2011 and RFA No.555 of 2013.
Mr.Arun Walia, Sr. Advocate with Mr.Ajay Nara, Advocate,
for the HUDA in RFA No.544 of 2010, 3494 of
2010 and 1672 of 2011.

RAMESHWAR SINGH MALIK, J. (Oral)

This bunch of 14 appeals, out of which 9 appeals bearing RFA
Nos.291, 544, 3494, 5281 of 2010, 430, 4525 and 5446 of 2011, 3008 of
2012 and 2689 of 2015 and one Cross Objection No.30-CI of 2013 in RFA
No.3008 of 2012 filed by the land owners, 4 appeals bearing RFA
Nos.6358, 6359 and 1672 of 2011 and 555 of 2013 filed by State of
Haryana and 1 appeal bearing RFA No.1609 of 2011 filed by the Municipal

Corporation, Gurgaon, is being decided by this common order, as all these appeals arise out of the same acquisition and raise identical questions of law and facts. However, with the consent of learned counsel for the parties and for the facility of reference, facts are being culled out from RFA No.291 of 2010 (Mukesh Kumar v. State of Haryana and others).

Learned counsel for the State, at the very outset, fairly states that this bunch of appeals is squarely covered by the order dated 10.12.2015 passed by this Court in **RFA No. 3619 of 2009 (Municipal Corporation v. State of Haryana and others)**. In view of this undisputed statement made by the learned counsel for the State, detailed facts of the case need not to be noticed. Learned counsel for the State further submits that there was a time gap of about 11 months in these two acquisitions, one already decided by this Court in the case of **Municipal Corporation** (supra) vide order dated 10.12.20015 and the present one.

In the case of **Municipal Corporation** (supra), notification under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short) was issued on 15.4.2002, whereas in the instant bunch of cases notification under Section 4 of the Act was issued on 3.3.2003. Land owners in the case of **Municipal Corporation** (supra) were granted the compensation by this Court @Rs.1020/- per square yard. The land owners in the present set of cases would be entitled for the benefit of 11% increase for the above-said time gap of 11 months, @12% annual increase.

After granting the benefit of 11% on the above-said market value of Rs.1020/- per square yard, the land owners in instant set of appeals would be entitled for the compensation @Rs.1132/- per square yard.

Accordingly, the land owners are held entitled to receive the compensation

@ Rs.1132/- per square yard for their acquired land, from the date of notification under Section 4 of the Act.

No better evidence or judicial precedents were pressed into service nor any other argument was raised on behalf of either of the parties.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the appeals filed by the State of Haryana as well as the Municipal Corporation, Gurgaon, have been found wholly misconceived, bereft of merit and without any substance, thus, these must fail and the same are hereby dismissed.

So far as the appeals filed by the land owners and cross-objection are concerned, the same deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The land owners are held entitled to receive the compensation for their acquired land @ Rs.1132/- per square yard from the date of notification under Section 4 of the Act. Other benefits granted to the land owners by the learned reference court shall remain intact and they would be entitled for the said benefits even on the enhanced amount of compensation granted by this Court. Besides this, the land owners shall also be entitled to all the statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the observations made above, all the afore-said appeals and cross objection stand disposed of, in the afore-said terms, however, with no order as to costs.

15.2.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE