

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

(1)

RFA No.2607 of 1989

Maninder Mann

... Appellant

Versus

State of Haryana & another

... Respondents

(2)

**XOBN-107-2005 in/and
RFA No.1611 of 2005**

Mahender & others

... Appellants

Versus

State of Haryana & others

... Respondents

Decided on : 06.12.2018

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: None for the appellants.

Mr.Sudeep Mahajan, Addl.A.G., Haryana.
Ms.Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The present appeals, filed under Section 54 of the Land Acquisition Act, 1894 (for short, the 'Act'), arise out of the awards of the Reference Court, Gurugram dated 22.07.1989 and 19.01.2005. The notification under Section 4 in question is dated 22.11.1984, whereby the land measuring 234.33 acres, situated in Village Gawal Pahari, Tehsil Sohna, District Gurugram was sought to be acquired for development and utilization of land as institutional-cum-residential-cum-commercial area of Gurgaon.

The Land Acquisition Collector, vide award dated

08.03.1985, had awarded the compensation at the following rate:

Rs.40,000/- per acre for Chahi,
Rs.30,000/- per acre for Magda,
Rs.25,000/- per acre for gair mumkin

The Reference Court vide award dated 22.07.1989, enhanced the same on the basis of Ext.P-5, which also pertains to LAC case No.18 of 1998 decided on 18.08.1998 titled *Ved Prakash Marwah Vs. Haryana State*. Resultantly, the amount assessed was as under:

Chahi	Rs.57,400/- per acre
Magda	Rs.47,400/- per acre
Bhud	Rs.42,400/- per acre
Banjar	Rs.37,400/- per acre
Gair Mumkin	Rs.35,400/- per acre

A perusal of Ext.P-5 would go on to show that on an earlier occasion the Reference Court had taken into consideration sale deeds Exts.R-3, R-4 and R-8, and taken out an average to come to the conclusion that the market rate in the year 1981 was Rs.26,000/- per acre. Keeping in view the average market rate of the Gair Mumkin land was Rs.26,000/-, increase of 12% per year was granted to enhance compensation, the Reference Court which has, now, been subsequently followed in the impugned order. In the absence of any sale instance to the contrary, the reasoning as such cannot be faulted as only mutations were relied upon in the present case.

Similarly, in the award dated 19.01.2005, a sum of Rs.42,400/- per acre had been awarded which was on the strength of an

earlier judgment passed by this Court in RFA-2527-1989, wherein the amount awarded by the Reference Court had been upheld, in view of the earlier judgments of this Court, which had been placed on record. It is pertinent to notice that the record of RFA No.1611 of 2005 would also go on to show that the State had also placed on record Ex.RW-1/2, which is the award dated 22.07.1989 in Maninder Mann's case, which was decided along with Naval Singh Vs. State of Haryana. Thus, it is apparent that consistent market value has been determined for the notification in question vide all the awards.

On 05.12.2018, none had put in appearance on behalf of the appellants and today also, position is the same. Resultantly, no case is made out for enhancement and accordingly, both the appeals are dismissed.

December 6th, 2018
sailesh/naveen

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*