

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 21876 of 2012 (O & M)

Date of decision: 08.08.2018

HSIIDC

....Petitioner(s)

Versus

Hari Pal Rana and others

...Respondent(s)

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

Present: Mr. S.K. Garg Narwana, Sr. Advocate,
with Mr. Naveen Gupta, Advocate,
for the applicant-respondents no. 1 to 7.

Mr. Kamal Sehgal, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 9914-CWP of 2018

Application for exemption from filing certified copies of Annexures R-1/1 to R-1/3 and for placing on record the same is allowed, subject to all just exceptions.

The same are taken on record.

C.M. No. 9915-CWP of 2018 and CWP No. 21876 of 2012

Application has been filed by the respondents for early hearing of the case on the ground that it is covered. Accordingly, the main writ petition is taken up for hearing.

Notice in the application and the writ petition.

Mr. Kamal Sehgal, Advocate accepts notice and also could not dispute the fact that qua the notification in question dated 26.02.2002, the market value has already been assessed by this Court in the judgment on 08.03.2018 after the matters were remanded for the second time in *Satish Kumar Gupta and others vs. State of Haryana and others, AIR 2017 SC*

1072.

The petitioner-Corporation has challenged the order dated 15.12.2011 (Annexure P-4) passed by the District Revenue Officer-cum-Land Acquisition Collector, Gurgaon whereby, the application under Section 28-A of the Land Acquisition Act, 1894 filed by the private respondents had been allowed. Resultantly, the compensation was fixed at Rs.37,47,232/- vide the impugned order for the land situated in village Dhana, Tehsil and District Gurgaon since the petitioner had not filed a petition under Section 18 of the Act. On the basis of the judgments of the Reference Court dated 30.11.2011 and 07.03.2011, the applications had been preferred.

It is not disputed that qua the notification dated 26.02.2002, the present writ petition was ordered to be heard alongwith the pending RFA Nos. 3062 and 6242 of 2011. The sole contention at that point of time in the writ petition was that respondent no. 2 should not have passed the order due to the pendency of the appeals before the superior Court.

The said RFAs have now been decided vide the detailed judgment in ***RFA No. 2373 of 2010, Madan Pal-III vs. State of Haryana and another***, decided on 09.03.2018. The matter has been decided by this Court and the appeals of the petitioner-Corporation and Maruti Suzuki India Pvt. Ltd. have been dismissed and the appeals of the land owners have been allowed by this Court and the market value has, thus been finalized. It is also further pertinent to notice that enhancement as such has been granted from the amount which has been awarded by respondent no. 2 in the impugned order.

The operative part of the order reads thus:-

“140. Accordingly, the appeals filed by the HSIIDC seeking reduction in the compensation and of MSIL are dismissed and those of the land owners alongwith cross-objections are allowed.

(i) The market value of the land falling in five village i.e. Naharpur Kasan, Kasan, Bas Huria, Bas Khusla and Dhana is assessed @ Rs.41.40 lakhs per acre alongwith all statutory benefits.

(ii) The market value of land in village Manesar is assessed @ Rs.62.10 lakhs per acre alongwith all statutory benefits.

(iii) The appellant-M/s Kohli Holdings Private Limited in RFA No.4646 of 2010 would be entitled for compensation Rs.62.10 lakhs per acre, on account of it being given benefit of 50% of locational advantage being situated on the highway and in village Manesar apart from that it would be entitled for 30% more compensation on account of severance charges on the abovesaid market value alongwith all statutory benefits.

(iv) The directions of the Apex Court in the case of Pran Sukh will also be adhered to while disbursing the balance amount of compensation.

(v) Where appeals have been filed by the land owners which were beyond period of limitation and applications have been filed for condoning the delay with a condition that the land owners will not be entitled for the interest during the said period, the Executing Court shall ensure that the amounts are calculated and disbursed, keeping in the view the said condition which has been passed in the case of each and individual land owner.

(vi) The appeals filed by the MSIL are dismissed on account of non-maintainability and in view of the observations of the Apex Court in the case of Satish

Kumar Gupta (supra) being a post notification allottee.”

In such circumstances, nothing survives in the present writ petition as counsel for the petitioner also could not point out whether the Corporation has filed any SLP against the order at this point of time.

Accordingly, the writ petition is dismissed.

08.08.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No