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

**RFA No.4139 of 2011
Reserved on: 26.02.2018
Decided on : 09.03.2018**

Ajay Pal @ Ajit and others

... Appellants

Versus

Land Acquisition Collector, Gurgaon and others

... Respondents

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

Present : Mr. P.R. Yadav, Advocate
for the appellants.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana
for State as well as for Haryana State Industrial and
Infrastructure Development Corporation Ltd.
Mr. A.K.Chopra, Senior Advocate with
Mr. G.S.Bhandol, Advocate and
Mr. Pritam Singh Saini, Advocate for Haryana State
Industrial and Infrastructure Development Corporation Ltd.

G.S. Sandhawalia, J.

The present appeal is directed against the dismissal of the Reference Petition under Section 18 and 30 of the Land Acquisition Act, 1894 (for short 'the Act') by the Reference Court, Gurgaon on 17.11.2009, on account of the fact that there was no evidence led to prove the issue of market value of the acquired land.

The proceedings arise out of the notification dated 07.03.2002 under Section 4 of the Act pertaining to the land acquired in village Kasan, Bas Kusla, Bas Haria, Dhana Tehsil & District Gurgaon. An application under Order 41 Rule 27 CPC for producing additional evidence has been filed that the market of the acquired land had been assessed @

Rs.37,47,232/- per acre vide Award dated 30.11.2010.

This Court vide order of even date in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'** has already enhanced the compensation for the said villages by holding as under:-

> *"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."*

Resultantly, the present appeal is also allowed in the same terms by enhancing the market value of the land in question. It is made clear that neither the private respondents had appeared and neither any issue has been framed by the Reference Court regarding the apportionment and, therefore, this Court has not decided the issue *inter se* the rights of the appellants and the private respondents.

(G.S. SANDHAWALIA)
JUDGE

MARCH 09, 2018
Naveen

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*