

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

CWP No.748 of 2017

Date of decision: 28.03.2018

Haryana State Industrial & Infrastructure Development Corporation Limited

...Petitioner

Versus

Smt. Shanti and others

...Respondents

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

Present: Mr. Satish Singla, Advocate for
Mr. Vishal Garg, Advocate for the petitioner

Mr. Vikrant Rana, Advocate for respondent no.1.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana
for respondents no. 2 and 3.

G.S.SANDHAWALIA, J. (Oral)

Challenge is to the order dated 19.6.2015 (Annexure P/3) whereby the Land Acquisition Collector, Gurgaon had redetermined the amount of compensation of the landowners in view of the judgment in L.A.case titled Satish Kumar Gupta Vs. State of Haryana and others decided on 16.12.2009 and held them entitled to receive amount of compensation at the rate of ₹28,15,849/-.

Before the LAC defence as such was that the Corporation had filed the Special Leave Petition in the Supreme Court where proceedings have been stayed in connected matters. The LAC noticed that there was no stay in the present set of cases. The dispute pertains to acquisition of villages Baskusla Basharia, Dhana and Kasan for setting up Industrial Model Township, Manesar Phase-III. Once the reference has been decided

of similarly situated landowners, respondent no.1 is also entitled for the same amount of compensation which had rightly been ordered by the Land Acquisition Collector, Gurgaon.

Admittedly, even the **RFA-2373-2010** titled '**Madan Pal (III) Vs. State of Haryana and another**' and other connected appeals of the Corporation as such have been dismissed vide detailed order dated 9.3.2018 and compensation had been duly enhanced and had been fixed at ₹41.40 lakhs for the said villages and for Manesar, separately. The relevant portion reads 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.”

In such circumstances, no ground is made out to interfere with the impugned order dated 19.6.2015 passed by the Land Acquisition Collector, Gurgaon.

Accordingly, the present writ petition is dismissed.

March 28, 2018
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No