

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
104
CM-6744-CI-2018 in/and
RFA-7338-2011
Date of decision: 18.07.2018

Lalit Kumar JainAppellant
Versus
State of Haryana & others ...Respondents

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

Present: Mr.Satendra Chauhan, Advocate, for the applicant/appellant.

G.S. SANDHAWALIA, J. (Oral)

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Application has been filed for disposal of the present appeal in terms of the judgment passed in RFA-2373-2010 titled Madan Pal (III) Vs. State of Haryana & another, decided on 09.03.2018. It has been averred that the other appeals arising out of the award of the Reference Court, Gurugram dated 07.03.2011 have been disposed of and the present appeal is covered.

Notice of the application.

Mr.Shivendra Swaroop, AAG, Haryana and Mr.Pritam Saini, Advocate, accept notice on behalf of the State and HSIIDC, respectively. Copies of the application has been supplied to them.

Accordingly, in view of the averments made in the application, duly supported by affidavit, same is allowed. With the consent of counsels for the parties, the main appeal is taken on Board and disposed of, today itself.

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A perusal of the paperbook would go on to show that the land was acquired vide notification under Section 4 of the Land Acquisition Act, 1894, dated 26.06.2002, which would be clear from para No.14 of the judgment in question whereby the market value had been assessed @ Rs.37,47,232/- per acre. This Court in **Madan Pal (III)** (supra) has allowed the appeals filed by the landowners and dismissed those of HSIIDC and MSIL. Relevant portion of the judgment reads as under:

“140. Accordingly, the appeals filed by the HSIIDC seeking reduction in the compensation and of MSIL are dismissed and

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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 disposed of in the above-said terms.

18.07.2018

Sailesh

Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No

(G.S. SANDHAWALIA)
JUDGE