

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-3667-CI-2018 and CM-11738-CI-2018
and RFA-1478-2018 (O&M)

Date of Decision: 14.12.2018

Jagdish Singh

... Appellant

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Mohit Garg, Advocate for
Mr. Gaurav Gupta, Advocate for the appellant

Ms. Vibha Tewari, AAG Haryana

G.S. SANDHAWALIA, J. (Oral)

CM-11738-CI-2018

Application for preponement has been filed on the ground that the case is covered by the judgment rendered in RFA No.5316 of 2014 (Pushpender Kumar & Ors. vs. State of Haryana & Ors.) decided on 27.05.2016.

Counsel for the State does not dispute the said proposition subject to the modification by the Apex Court.

Accordingly, the application is allowed and the date of hearing in the present appeal is preponed from 21.03.2019 to today.

CM stands disposed of.

CM-3667-CI-2018

Application for condonation of delay of 1350 days in filing the appeal is allowed conditionally in view of the Apex Court judgment in *Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437* and *Dhiraj Singh (deceased) through LRs Vs. Haryana State & others 2015 (2) RCR (Civil) 507*, as interest of the State can be protected as the matter

is covered by denying the interest for the delay period of 1350 days. Accordingly, the application i.e. CM-3667-CI-2018 stands disposed of.

RFA-1478-2018 (O&M)

The appeal arises out of the award of the Reference Court, Gurgaon dated 21.12.2013 whereby for the land falling in Village Shikopur, District Gurgaon which was acquired vide notification dated 11.02.2007, a sum of Rs.12,10,70,693 was awarded per acre.

This Court in RFA No.5316 of 2014 (Pushpender Kumar & Ors. (supra) enhanced the market value to Rs.16,89,35,120/- per acre along with statutory benefits. The matter was taken to the Apex Court in Civil Appeal No.11913-11945 of 2017 (State of Haryana & Anr. etc. etc. vs. Pushpendra Kumar & Ors. etc. etc.) decided on 05.09.2017 and the market value has been decreased by 15% by holding as under:-

“10. In our opinion, the deduction of 15% towards development would have been sufficient, which ought to have been made in the instant cases, in the peculiar facts of the case, considering the potentiality of the area in question and the development which has taken place all around. This order not to be treated as a precedent in any other case. Thus, we modify the determination made by the High Court to the above extent only. Let deduction be made accordingly.

11. Coming to the question of severance charges, in case there is no land left out after the acquisition, obviously, severance charges would not be granted. It is in the cases where only part of the land has been acquired and there is a severance of the adjacent/remaining area, only in those cases compensation for

severance is granted. It stands set aside in the cases where there is no severance.

12. The appeals of State are partly allowed and appeals of owners are dismissed. Pending application, if any, stands disposed of. Let the amount be paid within four months from today.”

Resultantly, the market value as such would be reduced by ₹ 2,53,40,268/- per acre and the figure comes out to ₹ 14,35,94,852/- The appeal is accordingly allowed to maintain parity.

14.12.2018

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**(G.S. Sandhawalia)
Judge**

1. Whether speaking/reasoned?
2. Whether reportable?

**Yes
No**