IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.9171 of 2014 (O&M)
Date of Decision: 19.03.2018

Gaj Raj Singh

.... Appellant(s).

Versus

State of Haryana and others

....Respondent(s).

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

****

Present: Mr.Shailendra Jain, Senior Advocate with
Mr.Satyendra Chauhan, Advocate,
Mr.Pawan Kumar, Senior Advocate with
Mr.Sudhir Aggarwal, Advocate,
Mr.R.A.Yadav, Advocate
Mr.Pradeep Chokhar, Advocate for
Mr.P.R.Yadav, Advocate,
Mr.Anil Kumar Rana, Advocate, for the land owners.

Mr.Sudeep Mahajan, Addl. Advocate General, Haryana,
Ms.Safia Gupta, AAG, Haryana.

Mr.Pritam Singh Saini, Advocate for HSIIDC.

***

G.S.SANDHAWALIA, J.

This appeal is arising out of the notification dated 26.02.2002 whereby the land situated within the revenue estates of villages Bas Kusla, Bas Haria, Dhana, Kasan and Manesar Distt. Gurgaon was acquired for setting up Industrial Model Township, Manesar. This appeal has been consolidated with RFA No.4592 of 2011 and other connected appeals which stand allowed vide order dated 19.03.2018.

The order of the Reference Court in the present appeal is dated 09.08.2010. In the impugned order, it is wrongly mentioned at one place that the notification is dated 26.06.2002 and in the judgement itself in para No.11 & 17 reference has been made to the correct notification as 26.02.2002.

This Court in RFA No.2373 of 2010 titled **'Madan Pal (III) Vs. State of Haryana and another'** and other connected appeals, on 09.03.2018, has already fixed the compensation for the said villages @ Rs.41.40 lacs per acre for notification dated 26.02.2002. Relevant part of the judgment dated 09.03.2018 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."*

The present appeal, accordingly stands allowed, in the same terms.

(G.S.SANDHAWALIA)
JUDGE

March 19, 2018
raman

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No