

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

RFA No. 1663 of 2018 (O & M)

Date of decision: 09.07.2018

Municipal Corporation, Faridabad

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. R.D. Bawa, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 3995-CI of 2018

Application for condonation of delay of 220 days in filing the appeal is allowed, in view of the averments made in the application duly supported by affidavit of official.

Delay condoned.

RFA No. 1663 of 2018

The present appeal filed by the Corporation is directed against the Reference Court award of the Additional District Judge, Faridabad dated 17.03.2017 in a petition filed under Sections 18 and 30 of the Land Acquisition Act, 1984 (in short 'the Act'). The claim of respondent no. 2 for compensation on account of being a tenant was rejected on the ground that he had already been ordered to be ejected from the acquired land before the publication of the notification under Section 4 of the Act and, therefore, he was not entitled to compensation.

Counsel for the Corporation has submitted that RFA No. 5548 of 2017 filed by the tenant is pending and, therefore, the present appeal

should be ordered to be heard with the said case.

The said argument is without any basis. The appellants are only aggrieved against the compensation which has been assessed at Rs.291/- per square yard which has been enhanced regarding the notification dated 23.11.1992 for the land falling in village Unchagaon, Tehsil Ballabgarh, District Faridabad. The Land Acquisition Collector had assessed the market value at Rs.3,50,000/- per acre which has now been enhanced to Rs.291/- per square yard, which works out to Rs.14,08,440/- per acre. The same is on the basis of a judgment passed by this Court in RFA No. 3502 of 1998 decided on 26.08.1999 (Ex.P-21) which pertains to the same notification. Similarly, another award dated 29.04.2003 passed in LAC Case No. 624 of 1997 titled MCF vs. State of Haryana (Ex.P-24) wherein also, the value was assessed at the above rate had been kept in mind while fixing the market value of the land which has been acquired.

Counsel for the Corporation could not point out that there has been reduction of the said amount in further appeal against the above mentioned awards at the instance of the Corporation which are relevant pieces of evidence and have been rightly taken into consideration by the Reference Court.

Resultantly, this Court is of the opinion that there is no merit in the present appeal and the same is accordingly dismissed.

09.07.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

