

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.1816 of 2018 (O&M)

Date of Decision: 03.04.2019

Krishan Gopal

... Appellant

VS.

Land Acquisition Collector,
HUDA, Gurgaon & Anr.

... Respondents

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

Present: Mr. Amit Jain, Advocate for the appellant

G.S. SANDHAWALIA, J. (Oral)

(1) The present appeal under Section 54 of the Land Acquisition Act, 1894 is directed against the award dated 24.05.2012 passed by the Reference Court Gurgaon. The application has been filed for condonation of delay of 915 days in filing the appeal as well as an application seeking permission to file appeal under Chapter I Part C(2) Vol.V of the High Court Rules and Orders read with Section 3(b) of Land Acquisition Act, 1894 read with Order 41 Rule 20 and Section 151 CPC. The ground taken is that the applicant/appellant was co-sharer of the land though he had not preferred the reference petition under Section 18 of the 1894. Vide award of the Reference Court, a sum of ₹ 1,64,75,000/- per acre has been awarded for the notification dated 25.01.2008. The amount was enhanced to ₹ 3,05,01,680/- per acre by this Court in **RFA No.4475 of 2012 Ram Chander & Ors. vs. State of Haryana & Ors.** decided on 20.05.2016 (A4). It is not disputed that in **Civil Appeal No.11814-11864 of 2017 State of Haryana & Ors. vs. Ram Chander & Anr.**, the amount has been reduced by 15% (i.e. ₹ 3,05,01,680.00 - ₹ 45,75,252.00 = ₹ 2,59,26,428.00) for the land falling in village Gurgaon. The relevant portion reads as under:-

“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.”

(2) Once the amount has been as such quantified and finalised upto the Apex Court it is always open to the landowners to file the Execution Application for the amount in view of the law laid down in **Patiala Improvement Trust thru. its Chairman vs. S.Amar Singh & Ors. 2005 (2) PLR 150** and **Furkan Ali vs. State of Haryana & Ors. 2007(1) PLR 474** before the Executing Court. By way of filing the application, the bar under Section 18(2)(b) cannot be overcome.

(3) Faced with this, counsel does not press this appeal with liberty to approach the Executing Court for the above-said relief. Accordingly, The applications and the appeal stand disposed of as not pressed.

03.04.2019

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(G.S. Sandhawalia)
Judge

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

Yes/No
Yes/No