

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

RFA No. 2363 of 2018 (O & M)

Date of decision: 21.05.2018

Naresh Kumar and others

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Surender Saini, Advocate,
for the appellants.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 5048-CI of 2018

Application for condonation of delay of 1649 days in refiling the appeal is allowed, in view of the averments made in the application duly supported by affidavit of the counsel.

Delay condoned.

RFA No. 2363 of 2018

Counsel fairly states that in similar circumstances, the amount of compensation which had been awarded to the tune of Rs.52,25,000/- for the same notification dated 15.06.2006 has been upheld by this Court in ***RFA No. 3120 of 2013, Ishwar vs. State of Haryana and others*** on 20.11.2015. The relevant part of the order reads thus:-

“As far as the location of the land is concerned, the same is located behind Sectors 8 and 19 which are located on NH-1. The land for development as Sectors 8 and 19 was acquired earlier vide notification dated 20.1.2003. Even adjoining to the acquired land, the land was earlier acquired for development as Sectors 3

and 5 to 7. Beyond the acquired land towards Delhi on NH-1, the land was acquired for development as Rajiv Gandhi Education City and for residential and industrial sectors. It cannot be disputed that the land had potential for urbanisation. The landowners relied upon sale-deeds, Ex.P2 and Ex.P3, the details of which are as under:-

Exhibit	Dated	Area	Amount in Rs.	Price per acre in Rs.
P-2	27.4.2006	6 acres 5 kanals 16 marlas	7,02,82,975/-	1,04,68,920/-
P-3	27.4.2006	10 acres 2 marlas	10,46,40,638/-	1,04,46,796/-

The land pertaining to aforesaid sale-deeds is located adjoining to the acquired land as is evident from the site plan, Ex.P1. Both the portions of land, namely, acquired land and the land pertaining to saledeeds, Ex.P2 and Ex.P3 are having similar potential, however, the learned Court below has noticed that the land pertaining to sale-deeds, Ex.P2 and Ex.P3 have some locational advantage. As regards the issue of genuineness of the sale-deeds, Ex.P2 and Ex.P3, as is sought to be raised by learned counsel for the State is concerned, in my opinion, the same deserves to be noticed and rejected as it was not even doubted before the learned Reference Court. The average sale consideration paid in the aforesaid sale deeds, where the vendees are builders, was Rs.1,04,68,920/- and Rs.1,04,46,796/- per acre respectively. The sale deeds, Ex. P2 and Ex.P3, were registered about two months prior to the date of acquisition in question, the survey for which starts well before that and the builder may have purchased the land knowing well that the area adjoining to it is being acquired and developed. The land pertaining to these sale deeds must be connected to a road with some other

facilities available on account of which the builder may have paid higher price as well as ultimately he had not to utilise the same himself, rather, sell off the same by raising construction in the form of commercial establishments or residential apartments having large FAR area as compared to the size of the land. The area dealt with in the aforesaid sale deeds was about 7 acres and 10 acres respectively, whereas the total acquired land was 108.44 acres. The learned Court below while considering all the aspects had already assessed the compensation by applying a cut of 50% on the sale consideration shown in the aforesaid sale-deeds, which, in my opinion, does not call for any interference of this Court.

For the reasons mentioned above, I do not find any merit in the present set of appeals. The same are accordingly dismissed.”

Keeping in view the above, the present appeal is also dismissed
in view of the above observations.

21.05.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

