

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

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RFA-2688-2018

Date of decision: 08.08.2018

Kamla & others

Versus

....Appellants

Land Acquisition Collector, Gurgaon & others

...Respondents

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

Present: Mr.Rajat Garg, Advocate, for
Mr.Aditya Jain, Advocate, for the appellants.

G.S. SANDHAWALIA, J. (Oral)

Notice of motion.

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894 (for short, the 'Act') is directed against the award of the Reference Court, Gurugram dated 21.12.2017, whereby for the notification dated 11.02.2010, sum of Rs.1,81,01,217/- per acre has been awarded while allowing the application under Section 28-A(3) of the Act.

The same was done in pursuance of the award which has been passed by the Reference Court dated 28.02.2014 in LAC No.175 dated 03.02.2012 (Annexure P-4). It is not disputed that for the acquisition in question, the Apex Court in CA-11913-11945-2017 titled *State of Haryana & another Vs. Pushpendra Kumar & others*, decided on 05.09.2017, has reduced the compensation and in the present case, for Village Badha, the amount awarded by this Court to the tune of Rs.3,75,70,419/- in RFA-5316-2014 titled *Pushpender Kumar & others Vs. State of Haryana & another*, decided on 27.05.2016, has been modified by granting 15% deduction. Relevant portion read as under:

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“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.”

Ms.Vibha Tewari, AAG, Haryana, who has accepted notice on behalf of the State, has no dispute to the said aspect.

Resultantly, the market value, as such, comes to Rs.3,19,34,857/- per acre. Accordingly, to maintain parity, the present appeal is allowed of, by granting the said amount along with statutory benefits.

08.08.2018

Sailesh

(G.S. SANDHAWALIA)

JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*