

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

**RFA No.4568 of 2017 (O&M)
Decided on : 14.03.2018**

Shri Ram

... Appellant

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Saurabh Arora, Advocate
for the appellant.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-11272-CI-2017

Application for condoning the delay of 99 days in re-filing the present appeal has been filed.

In view of the averments made in the application, duly supported by the affidavit and in view of the nominal delay, the same is allowed. The delay of 99 days in re-filing the appeal is condoned.

CM stands disposed of.

Main appeal

The appeal has been filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') and is directed against the Award dated 04.11.2016 for the land falling in village Kherki Daula, Tehsil & District, Gurgaon, which has been acquired for public purposes for the development and utilization of land for 150 meter wide periphery road linking Dwarka Township Delhi from Haryana Border to National Highway

No.8 near village Kherki Majra, Gurgaon. The notification under Section 4 of the Act was issued on 25.01.2008.

The Reference court while deciding the Reference Petition under Section 28-A (3) of the Act has granted the benefit of the enhanced compensation @ ₹1,02,00,000/- per acre, keeping in view the decision of an award dated 29.01.2014 (Ex.P1)

Counsel for the appellant submits that the matter is covered vide the decision passed in **RFA No.4475 of 2012 'Ram Chander and another Vs. State of Haryana and others'** decided on 20.05.2016, wherein for the said village a sum of ₹1,92,30,400/- per acre was assessed as the market value.

Notice of motion.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the respondents-State.

Counsel for the State on the other hand has submitted that in **Civil Appeal Nos.11814-11864 of 2017 arising out of SLP Nos.8024-8074 'State of Haryana and others Vs. Ram Chander and another'** decided on 05.09.2017, a 15% reduction has been granted on the said amount which would come to ₹28,84,560/- and market value would come down to ₹1,63,45,840/-. The relevant portion of the said order reads as under:-

“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.”

Keeping in view the above, the present appeal is allowed.

The land owners are held entitled for the above said amount.

MARCH 14, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No