

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-:-

RFA No. 5469 of 2017 (O&M)

Date of decision: 14.05.2018

Ram Kishan

... Appellant

Vs.

State of Haryana & Ors.

...Respondents

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

Present: Mr. Ravi Malik, Advocate, for
Mr. M.S. Rana, Advocate, for the appellant.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The appeal is directed against under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') the award of the Reference Court, Gurugram, dated 01.04.2017, whereby a sum of Rs.1,77,71,110/- per acre along with statutory benefit under Section 28(A)(3) was granted. The application had been filed by the landowners on the ground that the Acquisition Collector was not justified in dismissing the application on 28.04.2015 on the ground that it was barred by limitation.

Counsel has submitted that the application was filed on 14.05.2014 on the strength of an award passed 26.03.2014 (Exhibit P/A), whereby the value had been fixed as mentioned-above by enhancing compensation from Rs.60 lakhs per acre. The argument further raised is that when the impugned order was passed this court in RFA No. 5316 of 2014 titled as **Pushpendra Kumar & Ors. Vs. State of Haryana & Anr.**, had decided on 27.05.2016 had already enhanced the compensation to Rs.3,52,00,00/- per acre for Village Hayatpur for the notification dated 11.02.2010. Therefore, the landowners are entitled for the same amount of compensation.

Counsel for the State has also clarified now that the said judgment has been modified by the Apex Court in Civil Appeal Nos. 11913-11945 of 2017, titled as **State of Haryana & Anr. Vs. Pushpendra Kumar & Ors.**, decided

on 05.09.2017 by reducing the compensation by 15% and resultantly, the market value has been fixed at Rs.2,99,20,000/- per acre.

Resultantly to maintain the parity since the market value has been fixed, the present appeal is allowed and the impugned order is modified to this extent in favour of the landowners with all statutory benefits.

May 14, 2018
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No