

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14600 of 2018
Date of Decision: 26.08.2019

Harkish @ Harkesh & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Gaurav Aggarwal, Advocate for the petitioners

Mr. Shivendra Swaroop, AAG Haryana

Mr. Sudeep Mahajan, Advocate for HSIIDC

G.S. SANDHAWALIA, J. (Oral)

(1) The petitioner seeks a direction for disbursal of the amount of compensation on the lines of the assessment made by DRO-cum-LAC vide order dated 20.05.2014 (P3).

(2) A perusal of the said order would show that the land in question falls in village Baskusla, Tehsil and District Gurgaon which was acquired by the notification dated 07.03.2002 under Section 4 of the Land Acquisition Act, 1894. The Land Acquisition Collector has held the landowners entitled for compensation @ Rs.37,54,465/- per acre in the application under Section 28A which is on the strength of the award of the Reference Court since the landowners have not preferred any petition under Section 18.

(3) The stand of respondent No.3 is that the judgment of the Reference Court was subject matter of appeal herein in **RFA-2737-2010 Madan Pal (III) vs State of Haryana & Ors.** decided on 09.03.2018. The same was modified by the Apex Court in **Wazir & Anr. vs. State of Haryana 2019(1) SCALE 364** decided on 11.01.2019 which was subsequently clarified vide order dated 08.02.2019 in **SLP Nos.4354-4358**

of 2019 Hukam Singh etc. vs. State of Haryana & Anr. The amount awarded by this Court was reduced to the extent that the landowners were held entitled for a sum of Rs.29,73,333/- per acre for Baskusla. The relevant portion reads as under:-

“In respect of lands under acquisition from villages Bas Kusla, Bas Haria and Dhana, the market value shall be Rs.29,77,333/- per acre. Additionally all statutory benefits would be payable.”

(4) Keeping in view the above, the writ petition is partly allowed to the extent that the above-said amount shall be paid to the petitioners along with statutory benefits within three months from the date of receipt of certified copy of this order. Accordingly, the order of Land Acquisition Collector dated 20.05.2014 which is subject matter of the writ petition is modified, which is acceptable to the counsel for the landowners in view of the time bound directions issued.

26.08.2019

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(G.S. Sandhawalia)
Judge

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

Yes/No
Yes/No