

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.7415-2012 (O&M)

Decided on : 11.12.2019

Sangeeta Manchanda

... Appellant

Versus

State of Haryana & others

... Respondents

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

Present: Mr.Sandeep Sharma, Advocate, for the appellant.

Ms.Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-8774-CI-2019

Application for placing on record Annexures P-1 & P-2 and exemption from filing certified copy of the same, is allowed, in view of the averments made in the application, duly supported by affidavit. Said documents are taken on record, subject to just exceptions. Office to append the same at appropriate place.

CM stands disposed of.

CM-8775 & 9709-CI-2019

Applications for amendment in the prayer of the petition and for placing on record Annexure P-3 are dismissed as not pressed, as admittedly, the landowner had never appeared before the Reference Court in support of her ownership of 605 sq.yards of land and the enhancement is only qua the land mentioned in statement No.19.

CM-8776-CI-2019

Application has been filed for disposal in terms of judgment passed in **RFA-4475-2012** titled *Ram Chander & another Vs. State of Haryana & others*, decided on 20.05.2016, in a admitted case, on the ground that the case is covered.

RFA-7415-2012 (O&M)

Notice of the application.

Ms.Vibha Tewari, AAG, Haryana accepts notice on behalf of the State.

Keeping in view the averments made in the application, duly supported by affidavit and in view of the fact that the matter is covered, the application is allowed and the main case is taken on Board today itself.

CM stands disposed of.

RFA-7415-2012

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894 arises out of the award of the Reference Court, Gurugram dated 24.05.2012, whereby land falling in Village Gurgaon was acquired vide notification dated 25.01.2008, for the construction of 150 meter wide periphery road linking Dwarka Township Delhi from Gurgaon. The Reference Court had fixed the market value @ Rs.1,64,75,000/- per acre, enhancing it from Rs.90 lakhs, as awarded by the Land Acquisition Collector.

It is not disputed that in Ram Chander (supra) (Annexure P-1), this Court had enhanced the compensation to Rs.3,05,01,680/- per acre for the said village. The Apex Court in **CA-11814-11864-2017** titled *State of Haryana & others Vs. Ram Chander & another*, decided on 05.09.2017, reduced the amount by 15%, which works out to Rs.45,75,252/-. Resultantly, the market value for Village Gurgaon has been fixed at Rs.2,59,26,428/- per acre for the said notification. Relevant

portion of the judgment read 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.

11. The appeals of State are allowed to the aforesaid extent and those filed by the owners are dismissed. Pending application, if any, also stands disposed of. Let the amount be paid within four months from today.”

Resultantly, the present appeal is also allowed, in the above-said terms.

DECEMBER 11th, 2019
SAILESH

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*