

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

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**CM-10534-CI-2019 in/and
RFA No.1974 of 2016
Decided on : 03.12.2019**

Kirti Kapoor

... Applicant/Appellant

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Ashok Tyagi, Advocate
for the applicant/appellant.

G.S. Sandhawalia, J. (Oral)

CM-10534-CI-2019

Application has been filed for disposal of the present appeal in terms of judgment dated 23.10.2019 passed in **RFA No.7824 of 2013 'Vivek Kumar Vs. State of Haryana and others'** and other connected appeals (Annexure A-1).

Notice in the application.

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

Keeping in view the averments made in the application and the fact the market value qua the notification dated 13.01.2010 for the land falling in village Pawala Khusrupur has been fixed, the same is allowed. The main case is taken on board today itself.

CM stands disposed of.

Main appeal

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, Gurgaon dated 07.10.2015 and pertains to the acquisition done vide notification dated 13.01.2010 for the land which fell in the revenue estate of Pawala Khusrupur

A perusal of the impugned award would go on to show that reliance was placed upon an earlier Award dated 05.09.2013 passed in **LA Case No.76 of 2012 'Vivek Kumar Vs. State of Haryana and others'** (Ex.PX) to fix the market value @ ₹1,71,06,462/- per acre.

This Court in **Vivek Kumar's case (supra)** while dealing with the Award dated 05.09.2013 has fixed the market value as under:-

“11. Further more, since the market value has already been fixed by the Apex Court as discussed above, this Court is of the view that the sale deed dated 07.12.2007 (Ex.P2/A) can be made a good basis for assessing the market value, which was fixed for the earlier notification. The site plan has also been examined to see the location as such of the village in question and earlier notification was for 150 meters wide periphery road linking Dwarka Township Delhi from Haryana boundary to National Highway No.8 near village Kherki Daula at Gurgaon. The present acquisition is for sector roads of Sectors 99 to 115, at Gurgaon and therefore, sector road of Sectors 106 and 109 would fall within the revenue estate of Pawala Khusarpur, as per the Final Development Plan For Controlled Areas of Gurgaon-Manesar Urban Complex-2021 AD (Ex.P4) and 2025 AD (Ex.P5). The land being in close vicinity of the earlier acquisition, the said award would be a relevant piece of evidence to rely upon.

12. The land of the said village is sandwiched between the road coming from Dwarka which is called as Northern

Periphery Road and land being on top, which was subject matter of earlier acquisition for the 150 meters wide road. The sector roads intervening the two would command higher market value and the land is closer to the Delhi boundary.

13. Accordingly, keeping in view the above discussion, the appeals filed by the landowners are allowed and those of the State are dismissed. The market value is fixed @ ₹4,78,79,072/- per acre alongwith statutory benefits (rounded off to ₹4,78,79,070/- per acre).

14. All pending civil miscellaneous applications in which no separate orders have been passed also stand disposed of, accordingly.”

Accordingly, the present appeal is also disposed of in the above said terms.

DECEMBER 03, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

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