

**X Obj. No. 134 of 2019 (O & M) in/and
RFA No. 2543 of 2016
X Obj. No. 135 of 2019 (O & M) in/and
RFA No. 4 of 2017**

SHIVANI GUPTA
2019.12.17 12:40

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

**X Obj. No. 134 of 2019 (O & M) in/and
RFA No. 2543 of 2016
X Obj. No. 135 of 2019 (O & M) in/and
RFA No. 4 of 2017
Date of decision: 11.12.2019**

State of Haryana and another

....Appellant(s)

Versus

Anand Parkash and others

...Respondent(s)

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

Present: Ms. Vibha Tewari, AAG, Haryana.

Mr. S.S. Kaliramna, Advocate,
for the cross objectors.

G.S.SANDHAWALIA, J. (Oral)

The present order shall dispose of two cross objections and two main appeals i.e. X Obj. No. 134 of 2019 (O & M) in/and RFA No. 2543 of 2016 and X Obj. No. 135 of 2019 (O & M) in/and RFA No. 4 of 2017, as common questions of facts and law are involved in both the appeals. Reference is being made to *X Obj. No. 134 of 2019 (O & M) in/and RFA No. 2543 of 2016, State of Haryana and another vs. Anand Parkash and others.*

It is pointed out that the matters are covered as per judgment in *RFA No. 7185 of 2013, Subhash Kumar vs. State of Haryana and others* decided on 23.10.2019. Accordingly, the main appeals are taken on Board and taken up for hearing today itself.

Cross objections and the main appeals filed by the State and the

land owners are against the award of the Reference Court, Gurgaon dated 17.08.2013.

It is pointed out that the impugned award was subject matter of consideration in connected bunch of cases, lead case of which was RFA No. 7185 of 2013, Subhash Kumar vs. State of Haryana decided on 23.10.2019. The market value has been enhanced from Rs.2,11,75,000/- per acre, as granted by the Reference Court, to Rs.3,08,55,000/- per acre in the said bunch of cases. The relevant part reads thus:-

“10. A perusal of the above chart would thus go on to show that the market value as such was hovering around between 2,80,00,000/- to Rs.3,00,00,000/- per acre between November, 2007 to January, 2008 and rather had dipped at that point of time. Ex.P5 which is dated 24.10.2006 is only for 1 kanal 5 marals and, therefore, the high value can be discounted on Rs.4,67,20,000/- per acre and neither the sale deed is proximate in point of time with a difference of over 3 years. Thereafter, there has been a nominal increase in the sale deed executed on 26.05.2011 (Ex.P16) whereby land measuring 13 kanals 2 marals had been sold @ Rs.3,06,74,863/- per acre. Similarly, on 20.05.2011 (Ex.P18) even after 1 year 4 months, the increase is only nominal to the extent of Rs.3,06,31,071/- per acre. The sale deed dated 06.05.2011 (Ex.P17) shows a higher increase @ Rs.3,62,66,154/- per acre, but it was only for 2 kanals 12 marlas of land and on account of the smallness, it is liable to be discounted.

11. Counsel for the State is well justified to submit that the enhancement for the intervening period in the present set of facts and circumstances and the

lack of evidence regarding the increase in prices would not entitle the landowners for more than 10% enhancement on cumulative basis.

12. Accordingly, 10% cumulative increase is granted on Rs.2,55,00,000/- for the intervening period of 2 years, whereby the market value would work out @ Rs.3,08,55,000/- per acre alongwith all statutory benefits.

13. Resultantly, the appeals and cross-objections of the landowners are allowed and the appeals of the State are dismissed.

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

Keeping in view the above, the appeals of the State are dismissed and cross objections of the land owners are allowed in the same terms.

11.12.2019
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No