

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

**RFA No.4273 of 2016 (O&M)
Decided on : 20.11.2019**

Ranbir & others ... Appellants
Versus
State of Haryana & others ... Respondents

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

Present: Mr. A.K.Sehrawat, Advocate, for the applicant/appellant.

Mr.Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-10142-CI-2019 in RFA-4273-2016

Application has been filed for bringing on record the legal representatives of appellant No.2-Dharambir, who is stated to have expired on 13.01.2015, leaving behind his legal representative, as mentioned in para No. 4, respectively, of the application.

Accordingly, in view of the averments made in the application, duly supported by affidavit of appellant No.1, same is allowed. Legal representative, as mentioned in para No. 4 of the application is allowed to be brought on record, only for the purpose of pursuing the present litigation. Amended Memo of Parties be appended at necessary place.

CM stands disposed of.

CM-10143-CI-2019 in RFA-4273-2016

CM-10140-CI-2019 in RFA-4274-2016

CM-10136-CI-2019 in RFA-4275-2016

CM-10139-CI-2019 in RFA-4276-2016

CM-10141-CI-2019 in RFA-4277-2016

Applications have been filed for disposal of the appeals, being covered by the judgment passed in RFA-5244-2013 titled Satbir Singh & others Vs. State of Haryana & others, decided on 01.11.2019 (Annexure A-1).

RFA-4273 to 4277-2016 (O&M)

Notice in the applications.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the State.

Accordingly, keeping in view the above, main appeals are taken on Board for hearing today itself.

RFA-4273 to 4277-2016

A perusal of the paperbook would go on to show that the appeals are arising out of the award dated 25.04.2013. The notification in question is dated 13.01.2010 and the land is situated in Village Daultabad District Gurgaon. In Satbir Singh (supra), the same award was subject matter of consideration and the main reference petition was titled Azad Singh Vs. State of Haryana. The present set of reference petitions were also decided along with the said award on the same date and therefore, the present appeals would be directly covered by the above-said judgment. The operative part of the judgment read as under:

“7. The argument that 50% cut on the sale deeds as such should be imposed on account of the builders showing a keen interest and pay a extra amount is not justified, since the location of the land of Daultabad and the abadi which falls in Sector 103 is of strategic location and would be similar to what is of Dhanwapur which is across the road. The only difference that it has is that it is a little away from heart of Gurgaon, but has an advantage of its location falling on the Northern Periphery Road which is coming from Dwarka, New Delhi. Once Dhanwapur has been granted Rs.3,19,87,200/- per acre in **RFA No.3996 of 2013 'Naresh and others Vs. State of Haryana and others'**, it would not fair as such to award a price which is in complete variance to the value of Dhanwapur. The southern portion of Dhanwapur would be

closer to Gurgaon, which would command more value, but keeping in view the law laid down in **Union of India Vs. Harinder Pal Singh 2005 (12) SCC 564, Charan Dass (Dead) by LR Vs. Himachal Pradesh Housing & Urban Development Authority 2010 (13) SCC 398 and Premwati Vs. Union of India 2013 (4) Law Herald (SC) 3381**, reference can also be made to the said Award being a relevant piece of evidence. The lands acquired of both the villages are situated in similar locations and having identical locational advantages.

8. Accordingly, the appeals of the landowners are allowed. The market value is fixed @ Rs.3,19,87,200/- per acre alongwith all statutory benefits.

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

Accordingly, keeping in view the above, the present appeals are disposed of, in the same terms.

NOVEMBER 20th, 2019	(G.S. SANDHAWALIA)
<i>SAILESH</i>	JUDGE
<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>