

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202-A

RFA No.579 of 2015 (O&M)

State of Haryana

... Appellant

Versus

Asha Jairath @ Ashi and others

... Respondents

(2)

RFA No.589 of 2015 (O&M)

State of Haryana

... Appellant

Versus

Ram Saroop (deceased) through his L.Rs. and others

... Respondents

Decided on : 10.12.2019

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

Present: Ms. Vibha Tewari, AAG, Haryana.

None for the respondents in RFA No.579 of 2015.

Ms. Meenakshi Sharma, Advocate
for the respondents in RFA No.589 of 2015.

G.S. Sandhawalia, J. (Oral)

Present appeals under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') have been filed by the State are against the Award dated 05.05.2014 passed by the Reference Court, Panchkula, whereby the market value has been assessed @ ₹1440/- per square yard as on the date of Section 4 of the Act dated 28.07.1999. The land falls in village Maheshpur and was acquired for public purpose for the development and utilization of the same as residential and commercial area of Sector 21, Panchkula.

While dealing with the said Award this Court in **RFA No.8761**

of 2014 'Swaran Kaur and others Vs. State of Haryana and others'

and other connected appeals, on 13.12.2018 decided the appeals, both of the landowners and the State and has reduced the compensation to ₹1250/- per square yard (₹60,50,000/- per acre). The relevant portion of the said judgment read as under:-

“(38) It is in such circumstances, this Court is of the opinion that 15% enhancement is to be applied in the present facts and circumstances and keeping in view the location of the land and the development which has taken place around it. Accordingly applying the 15% enhancement, table comes to as under:-

26.04.1995	26.04.1996	26.04.1997	26.04.1998	26.04.1999
₹ 715/- per sq.yard	₹107.25/- + ₹715/- = 822.25	₹123.33/- + ₹822.25 = 945.58	₹141.83 + ₹945.58 = 1087.41	163.11 + 1087.41 = 1250.52 (R.O. ₹1250) per sq.yard 60,50,000/- per acre

(39) Resultantly, the appeals filed by the State are allowed and the market value as assessed is @ ₹1250/- per sq.yard (₹60,50,000/- per acre) along with all statutory benefits and the award of the Reference Court dated 05.05.2014 is modified and the cross-appeals of the landowners are dismissed. Similarly, the appeal of the landowner *qua* the award dated 02.11.2006 is allowed by enhancing the market value in RFA No.1074 of 2007 to the above amount.

(40) The State shall also comply with the directions laid down by the Apex Court in ***HSI IDC vs. Pran Sukh, (2010) 11***

SCC 175”

The present two appeals could not be decided at an earlier point of time, as service has not been completed. Since the same has been done, the present appeals are also allowed in same terms.

DECEMBER 10, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

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