

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SAILESH RANJAN
2019.04.24 14:37
I attest to the accuracy and
integrity of this document

RFA-2181-2018 (O&M)

Date of Decision:09.04.2019

Asha Jairath @ Ashi and others

... Appellants

Vs.

State of Haryana and others

... Respondents

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

Present : Mr. Gurpreet Singh, Advocate for
Mr. Vineet Chaudhary, Advocate
for the appellants.

Ms. Vibha Tiwari, A.A.G. Haryana.

G.S. SANDHAWALIA, J. (Oral)

The present appeal is directed against the award dated 5.5.2014 whereby the reference Court Panchkula has granted a sum of Rs.1440/- per square yard on the date of notification under Section 4 of the Act dated 28.7.1999.

This Court in RFA No.8761 of 2014 titled as **Swaran Kaur and others vs. State of Haryana and others**, decided on 13.12.2018 while deciding a bunch of 46 RFAs filed by the owner and the State allowed the appeal filed by the State and resultantly the market value is fixed and assessed as @ Rs.1250/- per sq. yard (Rs.60,50,000/- per acre) for the land falling in village Maheshpur. In para 38, it is held 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. yeard (Rs.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 datsed 02.11.2006 is allowed by enahncing 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 v. Pran Sukh, (2010) 11 SCC 175.”

Accordingly, the appeal is dismissed.

09.04.2019
rajeev

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No