

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

RFA No. 4427 of 2019 (O & M)

Date of decision: 20.12.2019

Jagmal

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. S.S. Kaliramna, Advocate,
for the applicant-appellant.

Mr. Abhinash Jain, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 11288-CI of 2019

Application has been filed for condonation of delay of 1928 days in refiling the appeal.

Notice in the application.

Mr. Abhinash Jain, AAG, Haryana accepts notice.

A perusal of the record would go on to show that the appeal was filed initially on 23.05.2014 within limitation as the award had been pronounced by the Reference Court on 15.03.2014.

Accordingly, the application is allowed for the reasons given in the application supported by affidavit.

Delay condoned.

C.M. No. 11078-CI of 2019

The present application has been filed for disposal of the main appeals in terms of ***RFA No. 5437 of 2014, Nihal Singh and another vs. State of Haryana and another*** decided on 01.11.2019.

Notice in the application.

Mr. Abhinash Jain, AAG, Haryana accepts notice.

RFA No. 4427 of 2019

The present appeal filed under Section 54 of the Land Acquisition Act, 1894, is directed against the Award of the Reference Court, Gurgaon dated 15.03.2014. The Reference Court, for the notification dated 13.01.2010, enhanced the market value from Rs.43,00,000/- per acre to Rs.1,51,75,416/- per acre for village Gopalpur. This Court in *Nihal Singh's case (supra)*, while dealing with the said award, has enhanced the market value to Rs.2,46,83,000/- per acre. Relevant part of the order reads thus:-

7. The evidence on record and the findings recorded by the Reference Court would show that Basai, Dhankot, Garhi Harsaru, Gopalpur, Hayatpur etc. are villages with contiguous boundaries. The site-plan produced including the Master-plan for Gurgaon-Manesar Complex, 2025 would confirm the said fact. PW5 Lalit Mohan, Patwari Halqa, Garhi was examined, who brought the original Aks Sijra and also stated on the same lines. Similar is the statement of PW4, Patwari Halqa that Village Wazirpur was adjacent to Village Harsaru and Hayatpur, as per the original Aks Sijra, which had been produced. The site-plan also confirms the said fact that the land which has been acquired for the sector roads of Sector 99A, which are situated further away from Delhi as to the location of the other villages which are closer to the main town of Gurgaon and Delhi. The market value, thus, would continue to depreciate as one would go away from the heart land of the town and the National Capital.

8. Resultantly, this Court is of the opinion that if a

cut of 20% is put on the amount awarded to Village Dhankot, the same would be appropriate for fixing the market value. Accordingly, the appeals are allowed and the market value is fixed @ Rs.2,46,84,000/- per acre along with all statutory benefits for village Gopalpur.

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

Accordingly, the appeal is allowed in the above said terms.

20.12.2019
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No