

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

RFA Nos. 4355 to 4362, 4428 and 4429 of 2019 (O & M)

Date of decision: 20.12.2019

Sanjay Kumar

....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 appellant.

Mr. Abhinash Jain, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

Delay in Filing Applications

Applications have been filed for condonation of delay of 1-429 days in filing the appeals.

Notice in the applications.

Mr. Abhinash Jain, AAG, Haryana accepts notice.

Applications are allowed in view of the averments made in the applications duly supported by affidavits. Delay in filing the appeals is condoned and in RFA No. 4429 of 2019, the delay is condoned conditionally keeping in view the law laid down by the Apex Court in *Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133* and *Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127* that the land owners will not be entitled for interest for 429 days on the enhanced compensation.

Delay in Refiling Applications

Applications have been filed for condonation of delay of 1702

to 2095 days in refiling the appeals.

Notice in the applications.

Mr. Abhishek Jain, AAG, Haryana accepts notice.

A perusal of the record would go on to show that the appeals were filed initially in the years 2013 and 2014 in the same years when the awards had been pronounced by the Reference Court on 17.08.2013, 04.02.2014, 11.08.2014.

Accordingly, the applications are allowed in view of the averments made in the applications supported by affidavits.

Delay condoned.

Main Appeals (O & M)

The present order shall dispose of 10 appeals i.e. RFA Nos. 4355 to 4362, 4428 and 4429 of 2019, as common questions of facts and law are involved in all the appeals. Reference is being made to ***RFA No. 4355 of 2019, Sanjay Kumar vs. State of Haryana and others.***

The present appeals filed under Section 54 of the Land Acquisition Act, 1894, are directed against the Awards of the Reference Court, Gurgaon dated 17.08.2013, 04.02.2014 and 11.08.2014. The Reference Court, for the notification dated 13.01.2010, enhanced the market value from Rs.60,00,000/- per acre to Rs.2,11,75,000/- per acre alongwith all statutory benefits for village Dhankot. This Court in ***RFA No. 7185 of 2013, Subhash Kumar vs. State of Haryana and others*** while dealing with the awards dated 17.08.2013 and 11.08.2014 on 23.10.2019, has enhanced the market value to Rs.3,08,55,000/- per acre. Relevant part of the order 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.”

Accordingly, the appeals are allowed in the above said terms.

However, the land owners will not be entitled to interest on the enhanced compensation for 429 days in RFA No. 4429 of 2019.

20.12.2019
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No