

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

**RFA No.3879-2019 (O&M)
Decided on : 02.12.2019**

Chameli & others

... Appellants

Versus

State of Haryana & others

... Respondents

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

Present: Mr.Rajiv Sharma, Advocate, for the appellants.

Ms.Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894, by the landowners, is directed against the award of the Reference Court, Gurugram dated 24.01.2018, whereby the market value has been fixed @ Rs.1,40,62,500/- per acre, in the petition filed under Sections 18 & 30. The appellants have also been held entitled for the enhanced amount of compensation, being Dholdars of the land in question. Reference Court has relied upon the earlier award dated 25.04.2013(Ex.R-3) to grant the said amount of compensation.

The said award was subject matter of consideration in **RFA-5244-2013** titled *Satbir Singh & others Vs. State of Haryana & others*, decided on 01.11.2019, along with other connected appeals. Resultantly, the land falling in Village Daultabad was assessed @ Rs.3,19,87,200/- per acre, keeping in view the potentiality of the land in question and its location, which was acquired for the utilization of land for road Sector 99 to 115, Gurugram, vide notification dated 13.01.2010. Relevant portion of the judgment reads 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.”

Resultantly, the present appeal is also disposed of in the same terms.

DECEMBER 02nd, 2019

SAILESH

*Whether speaking/reasoned:
Whether Reportable:*

**(G.S. SANDHAWALIA)
JUDGE**

*Yes/No
Yes/No*