

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

RFA No. 4122 of 2019 (O & M)

Date of decision: 10.12.2019

Surjeet Kaur

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Sonu Giri, Advocate,
for Mr. Sandeep Sharma, Advocate,
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 10527-CI of 2019

Application for condonation of delay of 500 days in filing the appeal is allowed 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 appellants shall not be entitled for the benefit of interest for 500 days on the enhanced compensation.

Delay condoned.

RFA No. 4122 of 2019 (O & M)

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 is directed against the award dated 12.04.2018 passed by the Reference Court, Gurugram whereby, market value has been assessed at Rs. 1,71,06,462/- per acre for the land falling in village Pawala Khusrupur which was acquired vide notification dated 13.01.2010. The

Reference Court has relied upon Ex.P-X i.e. an earlier award titled as Vivek Kumar vs. State of Haryana decided on 05.09.2013 where, the same amount of compensation had been granted. This Court, in ***RFA No. 7824 of 2013, Vivek Kumar vs. State of Haryana and others***, while dealing with the land owners' appeals on 23.10.23019 has enhanced the market value to Rs. 4,78,79,072/- per acre. The relevant part of the order reads thus:-

“11. Further more, since the market value has already been fixed by the Apex Court as discussed above, this Court is of the view that the sale deed dated 07.12.2007 (Ex.P2/A) can be made a good basis for assessing the market value, which was fixed for the earlier notification. The site plan has also been examined to see the location as such of the village in question and earlier notification was for 150 meters wide periphery road linking Dwarka Township Delhi from Haryana boundary to National Highway No.8 near village Kherki Daula at Gurgaon. The present acquisition is for sector roads of Sectors 99 to 115, at Gurgaon and therefore, sector road of Sectors 106 and 109 would fall within the revenue estate of Pawala Khusarpur, as per the Final Development Plan For Controlled Areas of Gurgaon-Manesar Urban Complex-2021 AD (Ex.P4) and 2025 AD (Ex.P5). The land being in close vicinity of the earlier acquisition, the said award would be a relevant piece of evidence to rely upon.

12. The land of the said village is sandwiched between the road coming from Dwarka which is called as Northern Periphery Road and land being on top, which was subject matter of earlier acquisition for the 150 meters wide road. The sector roads intervening the two would command higher market value and the land

is closer to the Delhi boundary.

13. Accordingly, keeping in view the above discussion, the appeals filed by the landowners are allowed and those of the State are dismissed. The market value is fixed @ Rs.4,78,79,072/- per acre alongwith statutory benefits (rounded off to Rs.4,78,79,070/- per acre).

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

Resultantly, the present appeal is also allowed in the above said terms but the appellant shall not be entitled for interest on the delayed period of 500 days.

10.12.2019
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No