

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

RFA Nos. 2425 and 2613 of 2019

Date of decision: 12.02.2020

Jagdish

....Appellant(s)

Versus

Land Acquisition Collector, Gurugram 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.

G.S.SANDHAWALIA, J. (Oral)

This order shall dispose of 2 appeals i.e. RFA Nos. 2425 and 2613 of 2019, as common questions of facts and law are involved in both the appeals. Reference is being made to ***RFA No. 2425 of 2019, Jagdish vs. Land Acquisition Collector, Gurugram and others.***

The present appeal is directed against the award of the Reference Court, Gurgaon dated 30.03.2019.

Notice of motion.

Ms. Vibha Tewari, AAG, Haryana accepts notice.

The Reference Court has enhanced the market value from Rs.70,00,000/- per acre to Rs.4,424/- per square yard for the land falling in Nangli Umarpur for the notification dated 24.06.2008. The Reference Court has fixed the market value on the basis of an earlier award in LAC case titled Smt. Meena Aggarwal vs. State of Haryana and others dated 23.01.2014 whereby, the said market value had been fixed. The said award was subject matter of appeal in ***RFA No. 3546 of 2016, Meena Aggarwal***

vs. State of Haryana and another decided on 11.12.2019 alongwith other cases. The market value has been further enhanced to Rs.2,71,00,000/- per acre alongwith all statutory benefits. The relevant portion reads thus:-

“Resultantly, keeping in view the principle which has been applied for the adjoining village also for Ullawas and Medawas, a 50% cut has been applied, keeping in view the fact that the sale exemplars are builder sale deeds and the keen-ness of the builders to purchase the land at any rate is an aspect which should not be lost sight of. In such circumstances, the benefit of above sale deeds and the closest in point of time which is in favour of M/s Balwick Builders Pvt. Ltd. (Ex.P-13), is kept in mind and a 50% cut would work out the market rate @ Rs.2,03,49,344/- per acre, which is less than what has been awarded by the Reference Court. However, this Court is of the opinion, from the siteplan that it would also be clear that the land of Nangli Umarpur is better situated than Medawas and therefore, it is to get the additional value as the land is closer to the heart of Gurgaon than which has now been awarded to the landowners of the neighbouring village i.e., Medawas, on the southern side, which has been assessed @ Rs.2,22,00,000/- per acre in RFA-2129-2013 titled Jaggan & others Vs. State of Haryana & others. The methodology of fixing the market rate in the manner is not appreciated as averaging across the board of high sale exemplar of small portions of land should have not been resorted to by the Reference Court. For Village Tigra, this Court has assessed the market value @ Rs.3.20 crores per acre for the same notification in RFA-3754-2015 titled Anita Devi Vs. Land Acquisition Collector & others, by judgment of even date.

Resultantly, as both the villages Tigra and Medawas straddle the revenue estate of Nangli Umarpur, on the Northern and Southern sides, the average of the same, Rs.3.20 crores and Rs.2.22 crores, are taken to fix the market value @ Rs.2,71,00,000/- per acre along with all statutory benefits.

Accordingly, the present appeals are allowed by assessing the market value, as above.”

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

12.02.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No