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

**RFA No. 1287 of 2021 (O&M)
Date of Decision: 13.10.2023**

Jile Singh (since deceased) through LRs

...Appellants

Versus

The State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Jain, Advocate
for the appellants-landowners.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-2903-CI-2021

Prayer in the present application moved on behalf of the applicants-appellants, is for condonation of delay of 2106 days in filing the appeal.

Upon notice, no reply has been filed; however, learned State Counsel opposes the prayer made in the application.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by the affidavit.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to the acquired land falling in the same revenue estate, i.e. **Village Basai, Tehsil & District Gurgaon**, to the tune of Rs. 2,50,00,000/- per acre, in view of judgment dated

20.05.2016 passed by this Court in ***RFA No. 4475 of 2012***, titled ***“Ram Chander and another Versus State of Haryana and others”***, though, it was reduced by 15% vide judgment dated 05.09.2017 passed by the Hon’ble Supreme Court, in ***Civil Appeal Nos. 11814-11864 of 2017***, titled ***“State of Haryana and others Versus Ram Chander and another”***.

Based thereupon, applying the principle of parity, besides awarding just and fair compensation and relying upon the decision of Hon’ble Supreme Court in case of ***“Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another”***, ***2020 (19) SCC 599*** as well as in view of the contents of applications, the prayer is allowed and delay in filing & re-filing the appeal, as mentioned above, is hereby condoned.

Application stands **disposed off**.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), to modify the award dated 30.01.2014 passed by learned Additional District Judge, Gurgaon (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 25.01.2008, followed by Notification dated 18.03.2008 under Section 6 thereof, the land measuring 18.20 acres, including the land of appellants, situated in revenue estate of Village **Basai**, Tehsil & District Gurgaon, was acquired. The public purpose for acquisition of the land was stated to be development and utilization of land for 150 Mtrs. wide periphery road linking Dwarka Township Delhi from Haryana Boundary, to N.H. 8, near Village Kherki Daula at Gurgaon. The Land Acquisition Collector, Gurgaon (for short “LAC”), vide Award No. 12,

dated 19.09.2008, assessed the market value of acquired land @ Rs. 60,00,000/- per acre alongwith other statutory benefits.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 30.01.2014 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1,75,00,000/- per acre, besides granting statutory benefits.

[4] Aggrieved thereof, appeals preferred by some other landowners, were disposed off by this Court on 20.05.2016, lead case of which was ***RFA No. 4475 of 2012***, titled ***“Ram Chander and another Versus State of Haryana and others”***, thereby awarding compensation @ Rs. 2,50,00,000/- per acre; however the said order was modified by the Hon’ble Supreme Court vide judgment dated 05.09.2017 in a batch of appeals, lead case of which was ***Civil Appeal Nos. 11814-11864 of 2017***, titled ***“State of Haryana and others Versus Ram Chander and another”***, whereby the deduction of 15% towards development which had taken place around the acquired land, was made.

[5] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgments dated 20.05.2016 & 05.09.2017 passed in ***Ram Chander’s case (supra)***, arising out of the same notification vide which the land of appellants was acquired.

[6] Learned State Counsel is not in a position to dispute the afore-stated factual position about judgments dated 20.05.2016 & 05.09.2017 passed in ***Ram Chander’s case (supra)***; however, opposes payment of interest for the period, the appellants failed to approach this Court.

[7] I have heard learned counsel for the parties and gone through the paper-book.

[8] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 20.05.2016 of **Ram Chander's case (supra)**, which is arising out of the same acquisition / Notification dated 25.01.2008 covering the same revenue estate i.e. **Village Basai, Tehsil & District Gurgaon**, whereby the landowners have been held entitled for the modified / enhanced amount of compensation @ Rs. 2,50,00,000/- per acre; though, it was reduced by 15% towards development, vide judgment dated 05.09.2017 passed by the Hon'ble Supreme Court in **Ram Chander's case (supra)**.

[8.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgments dated 20.05.2016 & 05.09.2017 in case of **Ram Chander's case (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except payment of interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[9] **Disposed off** in the above terms.

Pending application(s), if any, shall stand(s) disposed off.

October 13, 2023

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**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No