

RFA No. 854 of 2023 (O&M)
RFA No. 856 of 2023 (O&M) and
RFA No. 1047 of 2023 (O&M)

Neutral Citation No. 2023:PHHC:136677

298 (2 cases)+301 (Total 3 cases)

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

(1) RFA No. 854 of 2023 (O&M)
Date of Decision: 18.10.2023

Balwan Singh

...Appellant

Versus

State of Haryana and others

...Respondents

(2) RFA No. 856 of 2023 (O&M)

Sanjeev Ahuja

...Appellant

Versus

State of Haryana and others

...Respondents

(3) RFA No. 1047 of 2023 (O&M)

Suraji Devi alias Smt. Surji alias Saroj

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Govind Rana, Advocate
for the appellant(s)-landowner(s)
(in RFA Nos. 854 & 1047 of 2023).

Mr. Avtar S. Khinda, Advocate,
for the appellant-landowner (in RFA No. 856 of 2023)

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

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HARKESH MANUJA, J.

CM-2625-CI-2023 in RFA-854-2023;
CM-2626-CI-2023 in RFA-856-2023; and
CM-3111-CI-2023 in RFA-1047-2023

(i) CM-2625-CI-2023 is for condonation of delay of 2644 days in filing the appeal; (ii) CM-2626-CI-2023 is for condonation of delay of 2730 days in filing the appeal; and (iii) CM-3111-CI-2023 is for condonation of delay of 2587 in filing the appeal.

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

I have heard learned counsel for the parties and gone through the contents of the applications, which have been supported by the affidavits.

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 Dhankot, Tehsil & District Gurgaon***, to the tune of Rs. 3,08,55,000/- per acre, in view of judgment dated 23.10.2019 passed by this Court in ***RFA No. 7185 of 2013***, titled “***Subhash Kumar Versus State of Haryana and others***”.

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 applications are **allowed** and the delay in filing the respective appeals, as mentioned above, is hereby condoned.

MAIN APPEAL(S)

Present appeals have been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), to modify the award dated 17.08.2013 passed by learned Additional District Judge, Gurgaon (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] In pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 13.01.2010, followed by Notification dated 24.01.2010 under Section 6 thereof, the land measuring 81.99 acres, including the land of appellants, situated in revenue estate of Village **Dhankot**, Tehsil & District Gurgaon, was acquired. The public purpose for acquisition of the land was stated to be Development & Utilization of land for Sector Roads of Sector 99 to 115 at Gurgaon. The Land Acquisition Collector, Gurgaon (for short “LAC”), vide Award No. 82, dated 31.03.2010, assessed the market value of acquired land @ Rs. 60,00,000/- per acre for all kinds of land 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 17.08.2013 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 2,11,75,000/- per acre, besides granting statutory benefits.

[4] Aggrieved thereof, appeals preferred by some other landowners, were disposed off by this Court on 23.10.2019, lead case of which was ***RFA No. 7185 of 2013***, titled “***Subhash Kumar Versus State of Haryana and others*”**, thereby awarding compensation @ Rs. 3,08,55,000/- per acre.

[5] It is contended by learned counsel for the appellants that present appeals are squarely covered with the judgment dated 23.10.2019

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RFA No. 856 of 2023 (O&M) and
RFA No. 1047 of 2023 (O&M)

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passed in **Subhash Kumar'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 judgment dated 23.10.2019 passed in **Subhash Kumar'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 appeals are squarely covered with the judgment dated 23.10.2019 of **Subhash Kumar's case (supra)**, which are arising out of the same acquisition / Notification dated 13.01.2010 covering the same revenue estate i.e. **Village Dhankot, Tehsil & District Gurgaon**, whereby the landowners have been held entitled for the modified / enhanced amount of compensation @ Rs. 3,08,55,000/- per acre. For reference, the relevant para-12 of judgment dated 23.10.2019 passed in case of **Subhash Kumar (supra)** reads as under:-

“ 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. ”

[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 judgment dated 23.10.2019 in case of **Subhash Kumar (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except

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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 18, 2023
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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