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

**RFA No. 1207 of 2021 (O&M)
Date of Decision: 25.09.2023**

Kanwar Lal and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kartar Singh Malik-I, Advocate
for the appellants-landowners

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CMs-2756-2757-CI-2021

CM-2756-CI-2021 is for condonation of delay of 2562 days in re-filing the appeal, whereas CM-2757-CI-2021 is for condonation of delay of 44 days 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 Kherki Majra, Tehsil & District**

Gurgaon, to the tune of Rs. 2,87,98,000/- per acre, in view of judgment dated 10.02.2023 passed by Hon'ble Supreme Court in **Civil Appeal Nos. 859-899 of 2023**, titled **"State of Haryana & Anr. Versus Subhash Chander & Ors."**.

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, as per which, the delay occurred for *bona fide* reasons as two separate appeals were filed pertaining to two awards of two different villages; but somehow only one was re-filed, though both were filed through same lawyer, as such the applications are **allowed** and the delay in re-filing & filing the appeal, as mentioned above, is hereby condoned, however, subject to the applicants-appellants being not entitled for interest for the period of delay in re-filing the appeal.

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 11.12.2012 passed by learned Additional District Judge, Gurgaon (hereinafter to be referred as "Reference Court") seeking enhancement of compensation amount.

[2] In pursuance to Haryana Govt. Notification under Section 4 of the Act issued on 13.01.2010, followed by Notification dated 25.01.2010 under Section 6 thereof, the land measuring 57.40 acres, including the land of appellants, situated in revenue estate of Village **Kherki Majra**, Tehsil & District Gurgaon, was acquired. The public purpose for acquisition of the land was stated to be Development & Utilization of land for Sector Roads,

Sector 99 to 115 at Gurgaon. The Land Acquisition Collector, Gurgaon (for short "LAC"), vide Award No. 81, dated 31.03.2010, 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 11.12.2012 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1,56,24,000/- per acre, besides granting statutory benefits.

[4] Aggrieved thereof, appeals preferred by some other landowners, were disposed off by this Court on 18.10.2019, lead case of which was **RFA-1100-2013**, titled "**Subhash Chander and others Versus State of Haryana and others**", thereby awarding compensation @ Rs. 2,98,54,720/- per acre.

[5] Against the judgment dated 18.10.2019 (supra), State of Haryana approached Hon'ble Supreme Court in a batch of appeals, lead case of which was Civil Appeal No. 859 of 2023, titled "**State of Haryana & Anr. Versus Subhash Chander & Ors.**", which came to be set aside on 10.02.2023, thereby modifying the compensation @ Rs. 2,87,98,000/- per acre.

[6] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 10.02.2023 of **Subhash Chander's case (supra)**, arising out of the same notification vide which the land of applicants-appellants was acquired.

[7] Learned State Counsel is not in a position to dispute the afore-stated factual position about judgment dated 10.02.2023 passed in **Subhash Chander's case (supra)**; however, opposes the payment of interest for the period, the appellant failed to approach this Court.

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

[9] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 10.02.2023 of **Subhash Chander's case (supra)**, which is arising out of the same acquisition / Notification dated 13.01.2010 covering the same revenue estate i.e. **Village Kherki Majra, Tehsil & District Gurgaon**, whereby the landowners have been held entitled for the modified amount of compensation @ Rs. 2,87,98,000/- per acre. For reference, the relevant para-8 of judgment dated 10.02.2023 passed in case of **Subhash Chander (supra)** reads as under:-

*“ 8. Resultantly, the impugned common judgment and order passed by the High Court is required to be modified to the aforesaid extent by awarding the compensation at Rs. 2,87,98,000/- per acre. Present appeals are partly allowed to the aforesaid extent and it is held that the original land owners shall be entitled to the compensation at Rs. 2,87,98,000/- per acre with all other statutory benefits which may be available under the Land Acquisition Act, 1894. **The appellant – State of Haryana is hereby directed to deposit and/or pay the compensation to the original land owner(s) at the market value of Rs. 2,87,98,000/- along with all other statutory benefits within a period of six weeks from today after deducting whatever amount is already paid. Present appeals are partly allowed to the aforesaid extent. No costs. ”***

[9.1] 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 10.02.2023 in case of **Subhash Chander (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.

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

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

September 25, 2023
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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