

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(302/2)

RFA-1060-2023 (O&M)
Date of Decision: 24.08.2023

Dharmender

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Akshat Mittal, Advocate, for the appellants

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)**CM-3139-CI-2023**

1. This is an application for condoning the delay of 2735 days in filing the present appeal.
2. Notice of the application was issued to the respondents who have not filed any reply.
3. I have heard learned counsel for the parties and gone through the paper book.
4. Concededly, the other similarly situated land owners pertaining to the same acquisition proceedings have already been held entitled for enhanced amount of compensation pertaining to village Dhankot, Tehsil and District Gururgram, @ Rs.3,08,55,000/- per acre along with all statutory benefits in view of the judgment dated 23.10.2019 passed in **RFA No.7185 of 2013 and other connected matters** titled “**Subhash Kumar Vs. State of Haryana and others**”.
5. Based thereupon, applying the principle of parity, the land owners/applicants being similarly situated, are entitled for grant of similar amount of compensation, except payment of interest for the period they failed

to approach this Court after the decision of the Reference Court. In this regard reliance can be placed upon the decision of Hon'ble Supreme Court in case of **“Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599”**. Accordingly, in view of the averments made in the application besides the law laid down in the aforementioned judgment, the same is allowed and delay of 2735 days in filing the appeal is hereby condoned.

Main Appeal

1. In the present case, land owned by the appellants, situated in village Dhankot, Tehsil and District Gurugram, was sought to be acquired vide Notification dated 13.01.2010 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act”), for the purpose for development and utilization for Sectors 99 to 115 Gurugram. Notification under Section 6 of the Act was issued vide notification No.LAC(G) NTLA/2010/1537, followed by an award dated 31.03.2010 in exercise of powers conferred under Sections 11 of 1894 Act.

2. Aggrieved thereof, the appellants preferred reference under Section 18 of the Act, which came to be decided vide common award dated 17.08.2013 by the Court of learned Additional District Judge, Gurgaon, vide which, the said Court granted compensation @ Rs.2,11,75,000/- per acre.

3. Impugning the same, the appellants preferred the present appeal.

4. Learned counsel for the appellants submits that the matter pertaining to the same acquisition/notification covering the same revenue estate i.e. village Dhankot, Tehsil and District Gurgaon, filed at the instance of few other land-owners came up before this Court & was disposed of vide judgment dated 23.10.2019 passed in **RFA No.7185 of 2013 titled Subhash**

Kumar Vs. State of Haryana and others, whereby, the landowners were

held entitled for the enhanced amount of compensation @ Rs.3,08,55,000/- per acre along with all statutory benefits and interests as available under the relevant provisions of the Act. The relevant para of the said judgment is reproduced as under:

“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 along with all statutory benefits..”

On the other hand, learned counsel representing respondents has not been able to controvert the abovementioned factual position.

5. Based upon the above, applying the principle of parity, besides, just and fair compensation, the land owners/appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded by this Court in the aforesaid case i.e. **Subhash Kumar’s case (supra)** besides all other statutory benefits available to them under the relevant provisions of the Act except the interest for the period the appellants did not approach this Court after passing of award by the Reference Court.

6. The present appeal is disposed of in the above terms.

(HARKESH MANUJA)
JUDGE

24.08.2023
anil

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No