

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM No. 5257-CI-2023 in/and
RFA-3044-2010 (O&M)
Date of Decision: 24.11.2023

Parkash Chand

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. P.R. Yadav, Advocate for the appellant.

Mr. Shivendra Swaroop, DAG, Haryana.

Ms. Vibha Nagar, Advocate for
Mr. Pritam Singh Saini, Advocate for HSIIDC.

Mr. Rajiv Kumar Saini, Advocate for
Mr. Bhim Singh, Advocate for respondent No.2.

HARKESH MANUJA, J. (Oral)

CM No. 5257-CI-2023

Prayer made in the present application moved on behalf of
the applicant-appellant is for fixing an actual date of hearing of the
main appeal.

Notice of the application.

Learned counsel(s) for the non-applicant(s) accept notice
and have no objection against the prayer made in the application.

In view of the above, present application is allowed and
the main appeal is taken on board today itself.

MAIN APPEAL

1. By way of present appeal, challenge has been made to an award dated 27.01.2010 passed by the Additional District Judge, Gurgaon (now Gurugram), [hereinafter referred to as 'the Reference Court'] under Sections 18 and 30 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act'), in a reference petition filed at the instance of the appellant-landowner, whereby the market value of the land under acquisition was assessed @ Rs.28,15,849/- per acre, besides other statutory benefits and also, holding respondent No.2 entitled to receive 1/9th share out of the enhanced compensation.

2. *Vakaltnama* filed on behalf of respondent No.2 in the Court is taken on record.

3. Briefly stating, certain land owned by the appellant-landowner, situated within the revenue estate of Village Kasan, Tehsil and District Gurugram, came to be acquired vide Notifications issued on 07.03.2022 and 25.11.2022 under Sections 4 and 6 of the 1894 Act, respectively, for setting up of Industrial Model Township, Phase-III, Manesar, Tehsil and District Gurugram, followed by an award dated 24.12.2003 passed by the Land Acquisition Collector, Gurgaon (for short "LAC"), whereby compensation of Rs. 5,25,000/- for *Chahi* and Rs. 7,50,000/- for *Gair Mumkin* land was assessed qua village Kasan.

4. Aggrieved thereof, the appellant invoked reference under Sections 18 and 30 of the 1894 Act, seeking enhancement of compensation, besides apportionment thereof as against respondent

No.2. The Reference Court vide award dated 27.01.2010, assessed the market value @ Rs.28,15,849/- per acre, besides other statutory benefits in favour of landowners and also held respondent No.2 entitled for 1/9th share out of the enhanced compensation.

5. Still aggrieved, the appellant filed the present appeal, impugning the aforesaid award dated 27.01.2010. At the outset while referring to paragraph 4 of CM No. 5257-CI-2023, which is supported by an affidavit, learned counsel for the appellant submits that the appellant does not intend to assail/challenge the findings recorded *qua* apportionment of compensation, having accepted the same and wishes to press the appeal only *qua* the relief of enhancement. In this regard, he places reliance upon the judgments of Hon'ble Supreme in case of **'Wazir & Anr. Vs. State of Haryana' 2019(1) RCR (Civil) 702 and 'Hukam Singh and Ors. Vs. State of Haryana and Anr', 2019 (13) SCC 123**, whereby the compensation pertaining to same Notifications issued on 07.03.2022 and 25.11.2022 under Sections 4 and 6 of the 1894 Act, respectively, relating to village Kasan, has already been enhanced to Rs.39,54,666/- per acre, besides grant of all statutory benefits.

6. In view of the stand taken by learned counsel for the appellant as regards having accepted the findings *qua* apportionment as recorded in the impugned award, learned counsel for respondent No.2 is not in a position to oppose the prayer made in the present appeal for enhancement of compensation only.

7. Similarly, learned State counsel and learned counsel for respondent No.4, are also not in a position to dispute the factual aspect of the matter as regards the compensation already having been finally determined by the Hon'ble Apex Court pertaining to the same Notifications issued on 07.03.2022 and 25.11.2022 under Sections 4 and 6 of 1894 Act, respectively, qua the land falling in the revenue estate of Village Kasan, for setting up of Industrial Model Township, Phase-III, Manesar, Tehsil and District Gurugram, @ Rs.39,54,666/- per acre.

8. I have heard the learned counsel for the parties and gone through the record.

9. In view of the facts and discussion made hereinabove, the present appeal is allowed in terms of decision of Hon'ble Supreme Court in case of **Hukam Singh (Supra)** and the market value of the acquired land is assessed @ Rs.39,54,666/- per acre besides all other statutory benefits payable under the 1894 Act, subject to upholding the findings recorded by the Reference Court as regards the apportionment of compensation.

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

24.11.2023

Mangal Singh

(HARKESH MANUJA)
JUDGE

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