

284-3

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

**RFA No. 155 of 2022 (O&M)
Date of Decision: 25.09.2023**

Suresh and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Sharma, Advocate
for the appellants-landowners

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-286-CI-2022

Prayer in the present application moved on behalf of the applicants-appellants, is for condonation of delay of 2460 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 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 Dhanwapur, Tehsil & District Gurgaon**, to the tune of Rs. 3,19,87,200/- per acre, in view of judgment

dated 23.10.2019 passed by this Court in ***RFA No. 3996 of 2013***, titled ***“Naresh and others 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 application, as per which, the applicants-appellants have been sufferers at the hands of their other co-sharers to whom the responsibility of filing the appeal was assigned, the prayer is **allowed** and the delay in filing the appeal, as mentioned above, is hereby condoned.

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 19.03.2013 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 35.35 acres, including the land of appellants, situated in revenue estate of Village **Dhanwapur**, 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. 79, 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 19.03.2013 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1,89,72,000/- 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. 3996 of 2013**, titled **“Naresh and others Versus State of Haryana and others”**, thereby awarding compensation @ Rs. 3,19,87,200/- per acre.

[5] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 23.10.2019 passed in **Naresh and others’ case (supra)**, arising out of the same notification vide which the land of applicants-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 **Naresh and others’ case (supra)**; however, opposes payment of interest for the period, the appellant 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 23.10.2019 of **Naresh and others’ case (supra)**, which is arising out of the same acquisition / Notification dated 13.01.2010 covering the same revenue estate i.e. **Village Dhanwapur, Tehsil & District Gurgaon**, whereby the landowners have been held entitled for the modified / enhanced amount of compensation @ Rs. 3,19,87,200/- per acre. For reference, the relevant para-13 of judgment

dated 23.10.2019 passed in case of ***Naresh and others (supra)*** reads as under:-

“ 13. However, in view of the principle laid down by the Apex Court in 'Oil and Natural Gas Corporation Limited Vs. Rameshbhai Jivanbhai Patel and another' 2008 (14) SCC 745, the benefit of cumulative increase @ 12% is granted on the amount which has now been finalized by the Apex Court @ Rs.2,55,00,000/- per acre for the notification dated 25.01.2008. Resultantly, the market value for village Dhanwapur is assessed @ Rs.3,19,87,200/- 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 ***Naresh and others (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.

September 25, 2023

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**(HARKESH MANUJA)
JUDGE**

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