

228-27 (9 cases)

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

**(1) RFA No. 10811 of 2014 (O&M)
Date of Decision: 27.07.2023**

M/s. Damian Estates Developers Pvt. Ltd.

...Appellant

Versus

Haryana Urban Development Authority,
Gurgaon and another

...Respondents

(2) RFA No. 3123 of 2017 (O&M)

Virender Singh and others

...Appellants

Versus

State of Haryana and others

...Respondents

(3) RFA No. 2259 of 2018 (O&M)

M/s. Unitech Realty Pvt. Ltd.

...Appellant

Versus

State of Haryana and others

...Respondents

(4) RFA No. 2343 of 2018 (O&M)

M/s. Landscape Builders Limited.

...Appellant

Versus

State of Haryana and others

...Respondents

(5) RFA No. 271 of 2018 (O&M)

M/s. Unitech Ltd.

...Appellant

Versus

State of Haryana and others

...Respondents

(6) RFA No. 272 of 2018 (O&M)

M/s. Dhruva Realty Projects Ltd.

...Appellant

Versus

State of Haryana and others

...Respondents

(7) RFA No. 2824 of 2018 (O&M)

M/s. Zanskar Realtors Private Limited

...Appellant

Versus

State of Haryana and others

...Respondents

(8) RFA No. 2662 of 2019 (O&M)

M/s. PNR Realtors Private Limited

...Appellant

Versus

State of Haryana and others

...Respondents

(9) RFA No. 3664 of 2019 (O&M)

M/s. Neil Builders Pvt. Ltd.

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Udit Garg, Advocate;
Mr. Sushil K. Sharma, Advocate;
Mr. Aditya Jain, Advocate; and
Mr. Ashwani Gaur, Advocate
for the appellant(s) (in their respective cases)

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-6312-CI-2019 in RFA-2662-2019;
CM-9078-CI-2019 in RFA-3664-2019

Prayer in the present applications bearing (i) CM No. 6312-CI of 2019; (ii) CM No. 9078-CI of 2019, are for condonation of delay of 519 & 540 days in re-filing the respective appeal(s).

In view of the averments made in the applications, duly supported by respective affidavits, same are **allowed**, subject to all just exceptions. The delay of 519 & 540 days in re-filing the respective appeals are condoned.

MAIN APPEAL(S)

[1] This order shall dispose off present nine (09) appeals bearing RFA Nos. 10811 of 2014; 3123 of 2017; 2259 of 2018; 2343 of 2018; 271 of 2018; 272 of 2018; 2824 of 2018; 2662 of 2019; & 3664 of 2019, as the same arise out of common acquisition / award.

[2] Present appeals have been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) to modify the impugned awards dated 21.07.2014, 07.01.2017 & 22.09.2017 passed by learned Additional District Judge, Gurgaon (hereinafter to be referred as “Reference Court”) and for enhancement of the compensation amount. For the sake of convenience, facts are being culled out from RFA No. 10811 of 2014.

[3] In RFA No. 10811 of 2014, paper-book reveals that State of Haryana issued Notification dated 25.11.2008 for acquisition of 19.21 acres of land within the revenue estate of Village Badshahpur, Teshil & District Gurgaon, for public purpose, namely, development and utilization of 90 mtrs. wide southern periphery road alongwith 30 mtrs. wide green belt on both sides from NH8 upto Sector-72 Gurgaon. The above notification was followed by declaration dated 07.01.2009 under Section 6 thereof.

[4] The Land Acquisition Collector, Gurgaon (for short "Collector"), vide Award No. 59, dated 24.11.2009, assessed the market value of the acquired land in question @ Rs. 70 lakhs for all types of land.

[5] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Reference Court for determination of the market value of the acquired land.

[6] Learned Reference Court, while passing the impugned award dated 21.07.2014, accepted four (04) reference petitions including the one filed by appellant and enhanced the compensation @ Rs. 3.5 crore per acre alongwith other statutory benefits. Aggrieved thereof, the appellant has preferred the appeal.

[7] Learned counsel for the parties are *ad idem* that the matters pertaining to the same acquisition/notification covering

the same revenue estate i.e. **Village Badshahpur** filed at the

instance of few other land-owners came up before this Court which was ultimately dismissed vide judgment dated 04.12.2019 passed in **RFA No. 9281 of 2014, titled “Shivraj & others Versus State of Haryana and others”**, while observing that the market value of the land in question calls for no further enhancement. The relevant para of above judgment dated 04.12.2019 is re-capitulated hereunder:-

“

*In such circumstances, this Court is of the opinion that the market value which has been fixed for the sale deeds in question is appropriate and the same does not warrant any further enhancement. It is to be noticed that for the notification dated 24.06.2008, for the adjoining village of Medawas, which is stated to be away from the Highway, this Court in **RFA-2199-2011** titled **Jaggan & others Vs. State of Haryana & others**, decided on 25.09.2014, fixed the market value @ Rs.2,22,00,000/- per acre. The land of Badshahpur being closer to the National Highway as the same cuts through the land of the said village, would be more valuable for which appropriate enhancement has been granted. The amount of compensation has been enhanced for the notification dated 24.06.2008 in **RFA-406-2016** titled **Raja Ram (D) th LRs & others Vs. State of Haryana & others**, to Rs.2,66,40,000/- per acre, decided by order of same date. Land of Village Badshahpur being more valuable on account of being on the Highway would fetch more market value, in view of the principles laid down by the Apex Court in **Haridwar Development Authority, Haridwar Vs. Raghubir Singh 2010 (11) SCC 581** and **Ashok Kumar & another Vs. State of Haryana 2016 (4) SCC 544.**, and therefore, enhancement has been granted. The sale exemplar of Rs.7 crores has been*

*discounted in the said appeal by holding that the location of the same has not been shown on the site plan and nor the vendor's or vendee's have been examined though the same deed may be read in evidence, under Section 51-A, but with a caveat, in view of the judgment in **Cement Corporation of India Ltd. Vs. Purya 2004 (8) SCC 270**. The market value having doubled in two months, was also a reason not to accept the said sale exemplar as it did not inspire confidence. The State having not preferred any appeals against the said award, the amount awarded cannot be reduced.*

Accordingly, in view of the above discussion, the market value which has been fixed is appropriate and calls for no further enhancement. Resultantly, the present appeals are dismissed.”

[8] In view of the agreed stand taken by both sides, present appeals are, accordingly, **dismissed** in terms of judgment dated 04.12.2019 passed in **Shivraj's case (supra)**. Needless to say that relief granted or declined in the said case shall be accordingly granted or declined to the appellant(s) in the present appeals.

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

July 27, 2023

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**(HARKESH MANUJA)
JUDGE**

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