

CM No. 318-CI of 2023 in/and
RFA No. 1992 of 2016 (O&M)

2023:PHHC:102407

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

**CM No. 318-CI of 2023 in/and
RFA No. 1992 of 2016 (O&M)
Date of Decision: 08.08.2023**

Kamla Devi and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act") to modify the award dated 01.12.2014 passed by learned Additional District Judge, Gurgaon (hereinafter to be referred as "Reference Court") and for enhancement of compensation amount.

[2] Paper-book reveals that vide Notification dated 13.01.2010 under Section 4 of the Act issued by State of Haryana, which was followed by a declaration dated 25.01.2010 under Section 6 thereof, land measuring 35.35 acres of Village Dhanwapur, Tehsil & District Gurgaon, including the land of appellants herein, was acquired. The public purpose for acquisition of land was stated to be

development and utilization for sector roads of Sectors 99 to 115 at Gurgaon.

[3] 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 lakhs per acre for all types of land.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which was decided vide award dated 01.12.2014 by learned Reference Court, whereby the market value of the acquired land was assessed @ Rs. 1,89,72,000/- per acre, besides granting statutory benefits. Aggrieved thereof, the appellants preferred the present appeal.

[5] Main appeal stands admitted vide order dated 18.10.2016.

[6] Now, by way of application bearing **CM-318-CI-2023** moved on behalf of the applicants-appellants, prayer has been made for disposal of the main appeal in terms of judgment dated 23.10.2019 passed in **RFA-3996-2013**, titled "**Naresh and others** **Versus State of Haryana and others**".

[7] It is contended by learned counsel for the applicants-appellants that present appeal is squarely covered with the judgment dated 23.10.2019 passed in case of **Naresh and others (supra)**, arising out of the same notification, vide which the land of applicants-appellants had been acquired.

[8] Notice of the aforesaid application stands issued vide order dated 13.02.2023, but no reply has been filed.

[9] Learned State Counsel is not in a position to dispute about the disposal of the main appeal in terms of judgment dated 23.10.2019 (*supra*); however, opposes payment of interest for the period, the applicants-appellants failed to approach this Court after the decision of Reference Court.

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

[11] Concededly, the present appeal is squarely covered with the judgment dated 23.10.2019 passed in case of ***Naresh and others (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 enhanced amount of compensation to Rs. 3,19,87,200/- per acre alongwith all statutory benefits. For reference, the relevant para-13 of judgment dated 23.10.2019 (*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.”

[11.1] 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

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amount of compensation as has been awarded 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.

[12] In view of the above discussion, application bearing **CM-318-CI-2023** is **allowed**; present **appeal** is taken up on board today itself and the same is **disposed off** in terms of judgment dated 23.10.2019 passed in case of ***Naresh and others (supra)***.

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

August 08, 2023
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(HARKESH MANUJA)
JUDGE

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