

284-2

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

**RFA No. 127 of 2022 (O&M)
Date of Decision: 25.09.2023**

Bishamber (deceased) through LRs 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-243-CI-2022

Application is **allowed**, as prayed for, subject to all just exceptions. The documents Annexures P-1 to P-18 are taken on record and exemption from filing certified copies thereof is granted.

CMs-245-246-CI-2022

CM-245-CI-2022 is for condonation of delay of 2015 days in re-filing the appeal, whereas CM-246-CI-2022 for condonation of delay of 2016 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 applications, which have been supported by the affidavits.

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 Dhankot, Tehsil & District Gurgaon***, to the tune of Rs. 3,08,55,000/- per acre, in view of judgment dated 23.10.2019 passed by this Court in ***RFA No. 7185 of 2013***, titled ***“Subhash Kumar 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 applications, as per which, the delay occurred on account of communication gap between the applicants-appellants and their counsel; the applications are **allowed** and the delay in re-filing & 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 11.08.2014 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 81.99 acres, including the land of appellants, situated in revenue estate of Village **Dhankot**, 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. 82, 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 11.08.2014 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 2,11,75,000/- 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. 7185 of 2013**, titled "**Subhash Kumar Versus State of Haryana and others**", thereby awarding compensation @ Rs. 3,08,55,000/- 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 **Subhash Kumar's 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 **Subhash Kumar's 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 **Subhash Kumar's case (supra)**, which is arising out of the same acquisition / Notification dated 13.01.2010 covering the same revenue estate i.e. **Village**

Dhankot, Tehsil & District Gurgaon, whereby the landowners have been held entitled for the modified / enhanced amount of compensation @ Rs. 3,08,55,000/- per acre. For reference, the relevant para-12 of judgment dated 23.10.2019 passed in case of **Subhash Kumar (supra)** reads as under:-

“ 12. 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 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 **Subhash Kumar (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