

CM No. 4260-CI of 2023 in/and
RFA No. 2446 of 2016 (O&M)
with Cross Objection No. 73 of 2022 (O&M)
alongwith connected cases

Neutral Citation No. 2023:PHHC:136450

105+221(35 cases) = Total 36 cases

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

**CM No. 4260-CI of 2023 in/and
RFA No. 2446 of 2016 (O&M) with
Cross Objection No. 73 of 2022 (O&M)
alongwith connected cases
Date of Decision: 18.10.2023**

State of Haryana and another

...Appellants

Versus

M/s. Durzaba Overseas Pvt. Ltd., New Delhi

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivendra Swaroop, Deputy Advocate General, Haryana
for State of Haryana.

Mr. Adarsh Jain, Advocate
Mr. Kamal Mor, Advocate
Mr. Aditya Jain, Advocate
Mr. P.R. Yadav, Advocate
Mr. Vipul Sharma, Advocate
Mr. Kunal Dawar, Advocate
Mr. Hritik Gupta, Advocate for
Mr. Amit Chaudhary, Advocate
for the landowner(s) (in their respective cases).

HARKESH MANUJA, J.

**CM No. 1929-CI of 2022 in
Cross Objection No. 73 of 2022 in RFA No. 2446 of 2016**

Allowed, as prayed for, subject to all just exceptions.

Cross-objections of the respondent-landowner are taken on
record.

MAIN APPEAL(S)

This order will dispose off RFA Nos. 2446, 2421, 2425,
2427, 2429, 2434, 2439, 2440, 2441, 2443, 2466, 2468, 2470, 2471,

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2474, 2475, 2482, 2487, 2488, 2492, 2498, 2500, 2526, 2528, 2529, 2531, 2532, 2542, 2552, 2553, 2637 & 2436 of 2016; RFA Nos. 3, 671 & 5528 of 2017; RFA No. 1428 of 2018; and Cross Objection No. 73 of 2022 in RFA No. 2446 of 2016 filed at the instance of landowner-respondent, as all arise out of common acquisition / award dated 17.08.2013 passed by the learned Additional District Judge, Gurgaon (hereinafter to be referred as "Reference Court").

[2] In the appeals and cross-objections filed by the landowners, they are seeking further enhancement of compensation for the acquired land; whereas, in the appeals filed by the State, the prayer is for restoration of award passed by the Land Acquisition Collector, Gurgaon (for short "LAC").

[3] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 13.01.2010, followed by Notification dated 24.01.2010 under Section 6 thereof, the land measuring 81.99 acres, 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 the acquired land @ Rs. 60,00,000/- per acre for all types of land alongwith other statutory benefits.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide awards dated 17.08.2013 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 2,11,75,000/- per acre, besides granting statutory benefits, and further, one Mangat Ram was also held entitled to Rs. 3,70,000/- on account of loss of his super

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structure alongwith all statutory benefits on the said amount. Aggrieved thereof, the landowners as well as State of Haryana preferred their respective appeals.

[5] It may be mentioned here that the 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 alongwith all statutory benefits.

[6] It is contended by learned counsel for the landowners that present appeals are 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 landowners was acquired.

[7] 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)**. He also submits that even the SLP (Civil) Diary No. 23162 of 2020, filed by the landowner(s), against the judgment dated 23.10.2019 (supra), stood dismissed vide order dated 07.01.2021 passed by the Hon’ble Supreme Court.

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

[9] From the records, it is apparent that the present appeals are squarely covered with the judgment dated 23.10.2019 of **Subhash Kumar’s case (supra)**, which are 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

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dated 23.10.2019 passed in case of **Subhash Kumar’s (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. ”

[9.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowners 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.

[10] Accordingly, the appeals and cross-objections filed at the instance of landowners are **disposed off** in the above terms, whereas appeals filed by the State are **dismissed**.

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

October 18, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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