

RFA No. 2472 of 2016 (O&M)
RFA No. 2484 of 2016 (O&M)
RFA No. 2533 of 2016 (O&M) and
RFA No. 2559 of 2016 (O&M)

Neutral Citation No. 2023:PHHC:137840

308+311+315+327 (4 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(308)

RFA No. 2472 of 2016 (O&M)
Date of Decision: 20.10.2023

State of Haryana and another

...Appellants

Versus

Maha Singh and another

...Respondents

(311)

RFA No. 2484 of 2016 (O&M)

State of Haryana and another

...Appellants

Versus

Shanti Devi

...Respondent

(315)

RFA No. 2533 of 2016 (O&M)

State of Haryana and another

...Appellants

Versus

Daya Nand and others

...Respondents

(327)

RFA No. 2559 of 2016 (O&M)

State of Haryana and another

...Appellants

Versus

Sanjeev Ahuja and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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Present: Mr. Shivendra Swaroop, Deputy Advocate General, Haryana
for the appellant(s) / State of Haryana (in all cases).

HARKESH MANUJA, J.

This order will dispose off the present four appeals bearing RFA Nos. 2472, 2484, 2533 & 2559 of 2016 filed at the instance of appellant-State of Haryana, 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 all the appeals filed by the State, the prayer is for setting aside the award dated 17.08.2013 passed by the Reference Court and for restoration of award passed by the Land Acquisition Collector, Gurgaon (for short “LAC”).

[3] It transpires that as per office report submitted with the case file of RFA No. 2421 of 2016, service upon respondents is not complete in the present set of appeals.

[4] However, learned State Counsel, upon instructions from the quarter concerned, submits that separate cross-appeals bearing RFA Nos. 4388, 2117 & 4389 of 2015 and RFA No. 856 of 2023 filed at the instance of these very landowners, against the four (04) respective appeals of State of Haryana, stood decided / disposed off vide order(s) dated 23.10.2019 / 18.10.2023 passed by this Court; thus, at this stage, service upon respondents-landowners in the present cases is not required to be completed.

[5] 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, land measuring 81.99 acres, situated in revenue estate of Village **Dhankot**, Tehsil & District

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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 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.

[6] Dissatisfied with the aforesaid Award, landowners-respondents / interested persons filed objections under Section 18 of the Act, which were decided vide award 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 structure alongwith all statutory benefits on the said amount. Aggrieved thereof, the appellant – State of Haryana as well as landowners preferred separate appeals.

[7] It may be mentioned here that the appeals preferred by some other landowners pertaining to this very acquisition proceedings, 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, whereas the appeals filed by the State of Haryana were dismissed.

[8] Learned State Counsel submits that the 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 respondents-landowners was acquired. 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.

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[9] I have heard learned counsel State Counsel and gone through the paper-book.

[10] 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 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 including present respondents, have been held entitled for the modified / enhanced amount of compensation @ Rs. 3,08,55,000/- per acre, while dismissing the appeals filed by the State. For reference, the relevant paras-12 & 13 of judgment 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.

*13. Resultantly, the appeals and cross-objections of the landowners are allowed and **the appeals of the State are dismissed.** ”*

[11] Accordingly, the present appeals preferred by the State, are **dismissed** in terms of decision dated 23.10.2019 passed in case of **Subhash Kumar (supra)**.

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

October 20, 2023

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**(HARKESH MANUJA)
JUDGE**

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