

RFA No. 2996 of 2016 (O&M)
alongwith RFA Nos. 3332, 3335, 3338,
3392, & 3393 of 2016 (O&M)

Neutral Citation No. 2023:PHHC:136302

223 (6 cases)

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

(1) **RFA No. 2996 of 2016 (O&M)**
Date of Decision: 18.10.2023

Bhoop Singh and others

...Appellants

Versus

State of Haryana and another

...Respondents

(2) **RFA No. 3332 of 2016 (O&M)**

State of Haryana and another

...Appellants

Versus

Hari Kishan and others

...Respondents

(3) **RFA No. 3335 of 2016 (O&M)**

State of Haryana and another

...Appellants

Versus

Rajender Singh and another

...Respondents

(4) **RFA No. 3338 of 2016 (O&M)**

State of Haryana and another

...Appellants

Versus

Deepak Yadav

...Respondent

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(5)

RFA No. 3392 of 2016 (O&M)

State of Haryana and another

...Appellants

Versus

Smt. Santra and another

...Respondents

(6)

RFA No. 3393 of 2016 (O&M)

State of Haryana and another

...Appellants

Versus

Smt. Kirpa and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepak Achint, Advocate, for the appellants-landowners
(in RFA No. 2996 of 2016) and
for respondent No. 1-landowner(s)
(in RFA Nos. 3335 & 3338 of 2016).

Mr. Amit Chaudhary, Advocate
for the respondents-landowners (in RFA-3332-2016).

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana
for the appellant(s) (in all cases except RFA No. 2996 of 2016)

HARKESH MANUJA, J.

This order shall dispose off present six appeals bearing RFA
Nos. 2996, 3332, 3335, 3338, 3392 & 3393 of 2016, as the same arise out
of common acquisition / award dated 03.10.2015 passed by learned District
Judge, Gurgaon (hereinafter to be referred as "Reference Court").

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[2] In the appeal 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 reduction thereof.

[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 25.01.2010 under Section 6 thereof, the land measuring 37.38 acres, including the land of landowners, situated in revenue estate of Village **Babupur**, 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. 74, dated 31.03.2010, assessed the market value in respect of 24.08 acres of the acquired land @ Rs. 36,00,000/- 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 03.10.2015 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1,43,91,000/- per acre, besides granting statutory benefits. 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 01.11.2019, lead case of which was ***RFA No. 377 of 2016***, titled "***Shri Bhagwan Versus State of Haryana and others***", thereby awarding compensation @ Rs. 2,97,35,640/- 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 01.11.2019

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passed in **Shri Bhagwan'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 01.11.2019 passed in **Shri Bhagwan's case (supra)**. He also submits that even the SLP (Civil) Diary No. 4213 of 2021, filed by the landowner(s), against the judgment dated 01.11.2019 (supra), stood dismissed vide order dated 08.03.2021 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 01.11.2019 of **Shri Bhagwan's case (supra)**, which are arising out of the same acquisition / Notification dated 13.01.2010 covering the same revenue estate i.e. **Village Babupur, Tehsil & District Gurgaon**, whereby the landowners have been held entitled for the modified / enhanced amount of compensation @ Rs. 2,97,35,640/- per acre. For reference, the relevant paras-15 & 16 of judgment dated 01.11.2019 passed in case of **Shri Bhagwan's case (supra)** reads as under:-

“ 15. In such circumstances, it would be appropriate if 10% cumulative enhancement is granted on average sale price of Ex.P1 and P2 on Rs. 2,73,05,446/- per acre for the intervening period. The market value would come to Rs.3,30,39,589/- per acre (rounded off to Rs.3,30,39,600/- per acre). A 10% cut would have to be put on the above market value, keeping in view the fact that the sale deeds are of 5 acres of land, whereas the land which has been acquired is measuring 24.08 acres and in comparison to the acquisition, the 10% cut as such would be reasonable. Accordingly, the market value is fixed Rs.2,97,35,640/- per acre.

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16. Resultantly, the appeals of the landowners are allowed and those of the State are dismissed by fixing the market value @ Rs.2,97,35,640/- 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 01.11.2019 in case of **Shri Bhagwan (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act.

[10] Accordingly, the appeal filed at the instance of landowner is **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