

239-2

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

RFA No. 4807 of 2018 (O&M)

Date of Decision: 19.10.2023

Ram Kanwar

...Appellant

Versus

Land Acquisition Collector, Gurgaon and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Surinder S. Kaliramna, Advocate
for the appellants – landowners.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-11294-CI-2018

Prayer in the present application is for condonation of delay of
2330 days in filing the appeal.

Upon notice, no reply has been filed; however, learned State
Counsel opposes the prayer made in the application.

I have heard learned counsel for the parties and gone through
the contents of the application, which has been supported by one of the
applicant-appellant, namely, Ram Kanwar.

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
same revenue estate, i.e. **Village Samaspur, Tehsil & District Gurgaon**,
to the tune of Rs. 1,759/- per square yard, in view of judgment dated
10.12.2015 passed in **RFA-2269-2010**, titled **“Phool Singh and another**

Versus State of Haryana and another", which stood attained finality upto the Hon'ble Supreme Court.

Based thereupon, applying the principles of parity, besides awarding of 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 application, the same is **allowed** and delay of 2330 days in filing the appeal is hereby condoned, subject to denial of interest for the delayed period.

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 25.11.2009 passed by learned Additional District Judge, Gurgaon (hereinafter to be referred as "Reference Court") seeking enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance of Haryana Govt. Notification dated 24.08.2000 issued under Section 4 of the Act, followed by Notification dated 22.08.2001 issued under Section 6 thereof, the land measuring 13.95 acres, including the land of appellant, situated in the revenue estate of Village **Samaspur**, Tehsil & District Gurgaon, for development and utilization of residential, commercial and institutional area, Sector-57, Gurgaon, was acquired. The Land Acquisition Collector, Gurgaon (for short "LAC") vide Award No. 12 dated 21.07.2003, assessed the market value at the per acre rate of Rs. 6,00,000/- for *Chahi* land; Rs. 4,00,000/- for *Allabarani* land; Rs. 3,60,000/- for *Bhood* land; Rs. 2,00,000/- for *Banjar* land; and Rs. 6,00,000/- for *Gair Mumkin* land.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 25.11.2009 by Reference Court, whereby the market

value of the acquired land was enhanced / assessed @ Rs. 717/- per square yard, irrespective of the nature of land, besides granting statutory benefits.

[4] It is contended by learned counsel for the appellant that present appeal is squarely covered with the judgment dated 10.12.2015 passed in **RFA-2269-2010**, titled “**Phool Singh and another Versus State of Haryana and another**”, arising out of the same notification, vide which the land of appellant had been acquired.

[5] Learned State Counsel is not in a position to controvert the above factual position; however, opposes the payment of interest for the period, the appellant failed to approach this Court after the decision of Reference Court. He also submits that even the SLP (C) No. 1001 of 2017, filed at the instance of landowner(s) stood dismissed vide order dated 06.10.2021 passed by the Hon’ble Supreme Court.

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

[7] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 10.12.2015 passed in case of **Phool Singh and another (supra)**, which is arising out of the same acquisition / Notification dated 24.08.2000 covering the same revenue estate i.e. **Village Samaspur, Tehsil & District Gurgaon**, whereby the landowners have been held entitled for the modified / enhanced amount of compensation @ Rs. 1,759/- per square yard alongwith all statutory benefits. For reference, the relevant paras-27 & 28 of judgment dated 10.12.2015 passed in case of **Phool Singh and another (supra)** reads as under:-

“ 27. To sum up, the landowners are held entitled to compensation as under:

	<u>Rates per square yard in Rs.</u>
(i) For the notification dated 24.8.2000 pertaining to revenue estates of Wazirabad and Samaspur	1,759/-
(ii) For the notification dated 24.8.2000 pertaining to revenue estates of Tigra and Ghatta	1,216/-
(iii) For the notification dated 24.8.2000 pertaining to revenue estates of Amarpur Nagli, Badshahpur and Ghasola	806/-
(iv) For the notification dated 9.6.2003 pertaining to revenue estates of Wazirabad and Samaspur	2,403/-
(v) For the notification dated 9.6.2003 pertaining to revenue estates of Tigra and Ghatta	1,662/-

28. *The landowners shall also be entitled to all statutory benefits available to them under the Act. ”*

[7.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowner / appellant being similarly situated is held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 10.12.2015 in case of **Phool Singh and another (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except payment of interest for the period the appellant did not approach this Court after passing of Reference Court’s Award.

[8] **Disposed off** in the above terms.

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

October 19, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

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