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

**RFA No. 43 of 2019 (O&M)
Date of Decision: 22.08.2023**

Giani Ram (since deceased) through LR

...Appellant

Versus

Land Acquisition Collector, Gurgaon and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aditya Jain, Advocate
Mr. Rahul Vohra, Advocate and
Mr. Shivjot S. Modgil, Advocate
for the appellant.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-150-CI-2019

Prayer in the application moved on behalf of the applicant-appellant is for impleading the LR of appellant-Giani Ram, who died on 07.11.2010.

Upon notice, learned State Counsel has no objection against the prayer made in the present application.

In view of the above, present application is **allowed**, as prayed for, subject to all just exceptions. The applicants mentioned in para-2 of the application are ordered to be brought on record as legal heirs of the appellant-Giani Ram to pursue the appeal.

CM-149-CI-2019

Prayer in the present application moved on behalf of the applicant-appellant is for condonation of delay of 3204 days in filing the appeal.

Upon notice, no reply has been filed, however, learned State Counsel vehemently opposes the prayer made therein.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by an affidavit of LR of the appellant.

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 Adampur, Tehsil & District Gurugram***, to the tune of Rs. 1,020/- per square yard, in view of judgment dated 10.12.2015 passed by this Court in ***RFA No. 3619 of 2009***, titled ***“Municipal Corporation Versus State of Haryana & 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 application, the same is **allowed** and delay in 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 29.10.2009 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 15.04.2002, followed by Notification dated 16.04.2002 under Section 6 thereof, the land measuring 2.51 acres, including the land of appellant, situated in revenue estate of Village **Adampur**, Tehsil & District Gurgaon, was acquired. The public purpose for acquisition of the land was stated to be Development & Utilization of land as sector road between Sector Nos. 49-50 and 50-51 at Gurgaon. The Land Acquisition Collector, Gurgaon (for short “LAC”), vide Award No. 22, dated 06.11.2003, assessed the market value of acquired land @ Rs. 4,00,000/- 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 29.10.2009 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 660/- per square yard, besides granting statutory benefits. Aggrieved thereof, the appellant preferred the present appeal.

[4] It is contended by learned counsel for the appellant that present appeal is squarely covered with the judgment dated

10.12.2015 passed by this Court in **RFA No. 3619 of 2009**, titled **“Municipal Corporation Versus State of Haryana & others”**, arising out of the same notification, vide which the land of appellant had been acquired. He also contends that cross-appeal bearing RFA No. 4876 of 2011 preferred by the State of Haryana against the aforesaid order has also been dismissed vide order dated 27.09.2011 passed by this Court.

[5] Learned State Counsel is not in a position to dispute about the aforementioned factual position that the disposal of main appeal can be made in terms of judgment dated 10.12.2015 in case of **Municipal Corporation (supra)**; however, opposes payment of interest for the period, the appellant failed to approach this Court after the decision of Reference 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 of **Municipal Corporation (supra)**, which is arising out of the same acquisition / Notification dated 15.04.2002 covering the same revenue estate i.e. **Village Adampur, Tehsil & District Gurgaon**, whereby the landowners have been held entitled for the enhanced amount of compensation @ Rs. 1,020/- per square yard. For reference, the relevant para-17 of judgment dated 10.12.2015 passed in case of **Municipal Corporation (supra)** reads as under:-

“17. Accordingly, the landowners are held entitled to compensation @ Rs. 1,020/- per square yard. They 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 passed in case of ***Municipal Corporation (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.

August 22, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

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