

RFA-2556-2016 (O & M) and
Cross Objection No.6-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-2556-2016 (O & M) and
Cross Objection No.6-2023 (O & M)
Date of decision: 15.02.2024

State of Haryana and another ...Appellants

Versus

Jeet Ram and others ...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Shivendra Swaroop, DAG, Haryana,
for the appellants.

Mr. Arjun Shukla, Advocate,
for the cross-objectors/landowners.

RAJBIR SEHRAWAT, J. (Oral)

CM-322-CI-2023 in
Cross Objection No.6-2023

1. Allowed as prayed for, subject to all just exceptions. Cross-objections of the respondents-landowners are taken on record.

Main Case and Cross Objections

2. This order shall dispose of RFA-2556-2016 filed by the State of Haryana and Cross Objection No.6-2023 filed by the respondents/landowners, as the same are arising out of common acquisition/Award dated 17.08.2013 passed by learned Additional District Judge, Gurgaon.

3. In the appeal, the prayer is for restoration of award passed by the Land Acquisition Collector, Gurgaon (for short, 'LAC') by setting aside

the enhancement granted by the Reference Court, whereas, in the cross-objections, the landowners are seeking further enhancement of compensation for the acquired land.

4. The brief facts involved in the present case are that the Government of Haryana had issued Notification dated 13.01.2010, under Section 4 of the Land Acquisition Act, 1894, which was followed by subsequent Notification dated 24.01.2010, under Section 6 of the Land Acquisition Act. Vide the said notification(s), the land measuring 81.99 acres, situated in the revenue estate of village Dhankot, Tehsil and District Gurgaon, was acquired for the purpose of development and utilization of land for sectors and roads of Sectors 99 to 115 at Gurgaon. In the said process, the LAC passed the Award dated 31.03.2010, whereby market value of the acquired land was determined @ Rs.60,00,000/- per acre for all types of land and the affected landowners were also held entitled to all other statutory benefits.

5. Dissatisfied with the said Award, the landowners filed reference under Section 18 of the Land Acquisition Act, 1894, which was decided vide Award dated 17.08.2013 by the Reference Court. The Reference Court enhanced the rate of acquired land, to Rs.2,11,75,000/- per acre, besides the statutory benefits.

6. Challenging the above-said Award passed by the Reference Court, the State of Haryana has filed the present appeal, asserting therein that the enhancement has wrongly been granted by the Reference Court. The said appeal stands admitted for adjudication. During pendency of the same, the effected landowners-respondents have also filed the cross-

objections, as mentioned above.

7. Counsel for the cross-objectors/landowners has submitted that land of the respondent-landowners was acquired, vide the above-said notifications, alongwith the land of other landowners in the same village; whose land was also similarly situated. It is further submitted that in RFA-7185-2013, titled as 'Subhash Kumar Vs. State of Haryana and others', decided on 23.10.2019, this Court has already considered the entire matter regarding this acquisition in detail and the compensation awarded by the Reference Court was further enhanced to Rs.3,08,55,000/- per acre alongwith all statutory benefits. Not only that, the matter had even reached to the Hon'ble Supreme Court at the instance of the landowners. However, the Hon'ble Supreme Court had not granted any further enhancement, as such. Therefore, the compensation deserves to be enhanced in the same terms, as in the case of Subhash Kumar's case(supra), by allowing the cross-objections filed by the landowners.

8. On the other hand, counsel for the appellants-State has submitted that the enhancement has wrongly been granted by the Reference Court, therefore, the same deserves to be reduced suitably. However, the counsel for the appellants-State has not been able to dispute the factum of decision rendered by this Court in Subhash Kumar's case(supra), whereby the compensation awarded by the Reference Court was further enhanced to Rs.3,08,55,000/- per acre alongwith all statutory benefits.

9. I have heard the counsel for the parties.

10. Perusal of the material on record shows that the Reference Court had granted the enhancement to the landowners qua all types of land.

Therefore, there had been no distinction of the market value on the basis of type or situation of the land. The same modality has been kept intact even by this Court while rendering the decision in Subhash Kumar's case(supra), and the amount of compensation has been enhanced to Rs.3,08,55,000/-. Therefore, this Court does not find any reason or ground to arrive at any different conclusion; qua the compensation to which the cross-objectors are entitled; vis-à-vis; the enhancement granted by this Court, vide judgment dated 23.10.2019 rendered in Subhash Kumar's case(supra).

11. Accordingly, the cross-objections filed by the objectors/landowners are allowed in terms of the judgment dated 23.10.2019 rendered in Subhash Kumar's case(supra), and the appeal filed by the State is hereby dismissed.

15.02.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No