
(2010) 04 P&H CK 0059
In the Punjab And Haryana At Chandigarh

Haryana State and Others	Vs	APPELLANT
Kalu Ram and Others etc. etc.		RESPONDENT

Date of Decision : 07-04-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4, 6

Citation : (2010) 04 P&H CK 0059

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajesh Bindal, J.—This order shall dispose of the aforesaid appeals, as the same arise out of common acquisition.

2. The landowners are in appeal before this Court against the award of the learned court below under the Land Acquisition Act, 1984 (for short, the Act) seeking further enhancement of compensation for the acquired land whereas the State of Haryana is seeking reduction in compensation.

3. Briefly, the facts are that the State of Haryana vide notification dated 8.3.1989 issued u/s 4 of the Act, acquired land situated within the revenue estates of Villages Dhanwapur, Gurgaon, Basai and Khadipur, Tehsil and District Gurgaon, for development and utilisation thereof as residential and commercial area, Sectors 9, 9-A, and 10 Gurgaon. The notification u/s 6 of the Act was issued on 7.3.1990. The Land Acquisition Collector assessed the market value of the land situated in Villages Dhanwapur, Gurgaon and Khadipur @ Rs. 2 lac per acre and the market value of the land situated in Village Basai was assessed @ Rs. 1.60 lacs per acre falling under the brick kiln and Rs. 2 lac per acre for the remaining land. On reference u/s 18 of the Act, the learned court below, determined the market value of the acquired land @ Rs. 150/-per square yard.

4. Learned Counsel for the parties fairly submitted that the issue raised in the present set of appeals is squarely covered by the judgment of this Court in RFA

No. 1767 of 1995 State of Haryana and Anr. v. Om Parkash and Ors., decided on 25.7.1997, whereby the award of the learned court below for acquisition of land for Sectors-9, 9-A and 10, Gurgaon, was upheld, which was further followed in RFA No. 1737 of 2000-State of Haryana and Anr. v. Sohan Lal and Anr., decided on 16.9.2008.

5. A perusal of aforesaid judgment shows that issue dealt with therein was regarding determination of fair value of the land acquired vide notification dated 8.3.1989. Since this Court had upheld the award of the learned court below, the appeals filed by the State for reduction in compensation and that of the landowners for enhancement do not survive. Accordingly, for the detailed reasons recorded in Om Parkash's case (supra), the appeals bearing RFA Nos. 805, 955 of 2000, 2320 of 2001, 2563, 2846 of 2005, 2914 of 2006 and 4295 of 2009 filed by the landowners and the appeals filed by the State of Haryana, are dismissed.

6. However, where no one has appeared for the appellants in appeals filed by the landowners, the same are dismissed in default.