

X
Received
19.4.2016
HPC

CWP
17910

Before The District Judge, Gurgaon through (Land Acquisition Collector/D.R.O), Gurgaon.

1. (1) Shersingh (2) Desraj (sons) (3) Kapoori (4) Maya (5) Roshni (daughters) of Bhagmal S/o Ramlal (6) Parsandi (widow) (7) Amit (son) (8) Nisha (daughter) of Satvir S/o Bhagmal all R/o Village-Lakhnola, Tehsil and District, Gurgaon.

-----Petitioners-----

Versus

- 1.State of Haryana through Land Acquisition Collector/D.R.O, Gurgaon.
- 2.Haryana State Industrial Development Corporation.

-----Respondents-----

Reference under Section 18 of the Land Acquisition Act.1894.

Sir,

The Petitioners above named respectfully submit as under: -

- 1 That Petitioners were owner/co-owner in possession of Land Comprised in the rect. angle no-27, Killa no. 5/3 (0-18), rect no. 26, killa no. 17/2/2 (0-8), Kehwat no. 170/192, rect no. 23, killa no. 11/2(2-11), 18/3(1-6), 11/2 (2-11), 12/4(0-13), 18/3(1-6), 19/1(2-13), and rect no. 26 killa no. 6/2(6-16), 15/1(4-0), 16/2(4-0), 17/1(6-8), 22-23(5-0), 24(8-0), rect angle no. 27 killa no. 3(0-5), 4(5-8), 5/2(4-2), 6/2(3-4), 7(0-2), 5/1(3-0). Total measuring 50 Kanal 5 Marla.and rect no. 25,, Killa no. 13/1(4-0). Situated in the revenue estate of village Lakhnola, Tehsil and Distt Gurgaon.
- 2 That Govt. of Haryana through respondent no. 1 and 2 acquired the aforesaid land of the petitioner and an award no. 12, dated 9th March

- 2006 has been made in the respect which followed the notification under section-4, No. 32-7-2004-4 IBI, Dated 17th Nov. 2004.
- 3 That the land acquisition collector respondent no. 1 has awarded a meger compensation for the aforesaid land which is not given as per the market value prevailing on the date of the notification under section-4.
- 4 That the petitioner put forward the following grounds/evidence for the enhancement of the compensation awarded by the Land Acquisition Collector.
- i- That Petitioner filed objection under section 9A, of the Land Acquisition Act and claimed the price of the acquired land @ Rs. 10 Crores per Acres, Which was not considered by the Land Acquisition Collector.
 - ii- That vide notification no. 32-7-2004-4-IBI dated 17th Nov. 2004 issued under section-4 of the Act the Land of Six villages Namely Manesar, Lakhnola, Naharpur (Kasan), Nawada, Naurangpur and Shikhopur was sought to be acquired and the same was actually acquired on 9th March 2006, under different awards nos. by respondent no. 1.
 - iii- That acquired land of the aforesaid villages is situated on National Highway-8, which is of prime importance.
 - iv- That for the past 10-12yrs a big Industrial Model Township at Manesar and in the neighboring villages has come up of which four phases has been already completed and the present land of the Petitioner and other has been acquired for the Phase-V in its continuity.
 - v- That the aforesaid IMT (Industrial Model Township) has been planned at the International Standards here in many countries of the world has established their industries in the above said township.
 - vi- That numerous industries and complexes have come up in and around the aforesaid IMT, in the earlier completed phases. Some of them include Five Stars Hotels Like, Sita Holiday Resorts, Raheja Complex/Mall, Maruti Udyog Ltd. Honda Motors, Denso Haryana, Amtek, RICCO Group Industries, Relience Group etc., which are fully established by now in the said areas. In the earliest Phase-1, a big residential sector comprising 283 acres of land is already established. Therefore said, IMT is being by connected by a famous express highway

of International Standards, which self enhance the market value of the Land comprised in these villages.

vii- That there are numerous instances of sales of prior to the notification under section 4, which the petitioner undertakes to furnish during the trial of this petition being the evidence. The aforesaid said instances of sales have been completely ignored by LAC (Land Acquisition Collector).

viii- That the LAC has not given any compensation for the buildings and structures existing in the acquired land and has not also made any provisions for residential plots to be allotted to the uprooted landlords.

Its is therefore prayers that the petition be accepted and the petitioner be awarded compensations @ Rs. 10 Crores per acres of the acquired land with interest as admissible under the act along with solitium and interest @ of 30%.

Verification...

Verified that the above contents of the above Said petitions are true and correct to the best of my knowledge and belief and nothing has been concealed therein at all. Verified on 17/4/2006 at Gurgaon

Petitioners

(1) Shersingh (2) Desraj (sons) (3) Kapoori (4) Maya (5) Roshni (daughters) of Bhagmal S/o Ramlal (6) Parsandi (widow) (7) Amit (son) (8) Nisha (daughter) of Satvir S/o Bhagmal all R/o Village-Lakhnola, Tehsil and District, Gurgaon.

Through:-

Shri J.C. Yadav and Pervinder Yadav
Advocates,
Gurgaon

Amit Kumar

Nisha

27/4/06

27/4/06

IN THE HON'BLE COURT OF SHRI S.K.KHANDUJA ADJ, GURGAON

1. Sarjeet Singh S/o Bhagmal (since deceased) through its LR's (i) Smt. Ram Giri Wd/o (ii) Ishwar Singh, Son (NOW DECEASED) through his LR's (a) Smt. Sunita Wd/o (b) Titu Son (c) Dheeraj Son (iii) Sunil Son (since deceased) S/o Sh. Sarjeet through LR's (i) Smt. Kamlesh Wd/o (ii) Deepak Son (iii) Pooja D/o Sunil Kumar S/o Sarjeet S/o Bhagmal All R/o Village Nakhrola, Tehsil Manesar, Distt. GURUGRAM

..... Petitioners/Decree Holders,

Versus

1. State of Haryana through Land Acquisition Collector GURUGRAM
2. Haryana State Industrial Development Corporation through its Managing Director at Panchkula, Haryana.
3. Asstt. General Manager Haryana State Industrial Development Corporation, IMT Manesar, Gurgaon

---Respondents/Judgment Debtors

Case No. 208/2011/2013

Date of decision: 31-08-2013

Award No. 12/9-3-2006

"For setting up of Chaudhary Devi Lal Industrial Model Township Phase V, Manesar to be planned and developed as integrated complex for Industrial commercial recreational and other public utilities in village Nawada Fatehpur, Naurangpur, Manesar Lakhnoul, Naharpur Kasan and Shikohpur Distt. Gurgaon, Main case "Ram Niwas Vs. State of Haryana,"

EXECUTION - PETITION ON BEHALF OF CO-SHARER

Sir,

The DHs/petitioners most respectfully submits as under:-

1. That the petitioners/DHs. were co-sharer/co-owner in possession of the land bearing Khewat/Khatta 140/161, Rect. No. 27, Killa no. 5/3 (0-18), Rect. No. 26 Killa no. 6/2 (6-2), 15/1 (4-0), 16/2 (4-0), 17/1 (6-8), 22 - 23 (5-0), 24 (8-0), Rect. No. 27 Killa No. 3 (0-5), 4 (5-8), 5/2 (4-2) 6/2 (3-4), 7 (0-2), 5/1 (3-0), Khewat/Khatta no. 156/179, Rect No.23 Killa no. 11/2 (2-11), 18/3 (1-6), Khewat/Khatta No. 156/180 Rect. No. 23 Killa no.11/2 (2-11), 12/4 (0-13), 18/3 (1-6), 19/1 (2-13), Khewat/Khatta No.259/296, Rect. No. 26 Killa no. 17/2/2 (0-8), Khewat/Khatta no. 182/211 Rect. No. 25 Killa no.13/1 (4-0), bearing APR No As per statement no. 19 - 804 to 808, 814, 815, 816, 819 to 826, 520 to 527 and 830 to 837 to the extent of their respective shares situated in the revenue estate of village Nakhrola, Teshil Manesar, Distt. GURUGRAM by virtue of Jamabandi for the year 2003-04.
2. That the above land was acquired by respondent no.1 through respondent no.2 for setting up Industrial Topwnship Manesar Phase V, GURUGRAM and notification no. 32/7/2004/41-4IBI dated 27-09-2004 u/s 4 of the Land Acquisition Act, and its award No.12 dated 09-03-2006 was pronounced on 09-03-2006 by the Land Acquisition Collector/D.R.O. Gurgaon.

3. That the petitioners/Executants were/are aggrieved and interested persons and Ishwar and Sunil have already withdrawn the compensation, Des Raj and Sher Singh who are brothers of Late Sarjeet S/o Bhagmal they have already filed the reference petition u/s 18 and they have also told that they have also filed the reference petition on ou& behalf and if they receive any enhanced amount of compensation the same would also be paid to the petitioner. During the pendency of the reference petition and RFA before the Punjab & Haryana High Court, Chandigarh, the petitioners/aggrieved person came to know that their compensation has not been enhanced/received whereas the compensation of other co-sharers in the same khewat and same LR's of the predecessor Bhagmal are going to receive the enhanced amount of compensation shortly.
4. That on the basis of petition u/s 18 of the Land Acquisition Act of the above acquired land filed by the other co-sharers the present petitioners are also entitled to file this execution petition on the basis of award of the court passed in case titled as "Sher Singh Etc Vs. State of Haryana" LAC No.214 decided on 23-05-2011 are co-sharers in the same Khewat and the said land has since been

acquired vide above notification and above award dated 09-03-2006.

5. That the Ld. Court of Ms. Vani Gopal Sharma, ADJ Gurgaon, has already pronounced the award @ Rs.50,43,315/- per acre on 31-08-2013.

In view of the above circumstances it is therefore most respectfully prayed that the petitioners may kindly be allowed to file the present Execution application being co-sharers in the above said land or any other land being covered under the same award, and the same be got executed and JDs may kindly be directed to make the payment of the above acquired land of the applicants/DHs on the basis of above said Award/judgment passed in LAC No. 208 decided on 31-08-2013 by the Court of Ms. Vani Gopal Sharma, ADJ, GURUGRAM or upper court then the same may kindly be recovered by the attachment and sale of immoveable and moveable properties of the JDs as per law and be got paid to the applicants.

Even then the JDs fails to deposit the awarded amount in that case the JDs may kindly be granted civil imprisonment on account of non payment of awarded amount as per provisions of the C.P.C.

Any other relief which this Hon'ble Court may deem fit and proper may kindly be granted.

Verification:

Verified that the contents of the above Execution Petition are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therein.

Verified at GURUGRAM on this 16th day of July/2018, Aug.

R.T./
Pamc Petitioners/DHs

Y. Sarjeet Singh S/o Bhagmal (since deceased) through its LRs (i) Smt. Ram Giri Wd/o (ii) Ishwar Singh, Son (NOW DECEASED) through his LRs (a) Smt. Sunita Wd/o (b) Titu Son (c) Dheeraj Son (iii) Sunil Son (since deceased) S/o Sh. Sarjeet through LRs (i) Smt. Kamlesh Wd/o (ii) Deepak Son (iii) Pooja D/o Sunil Kumar S/o Sarjeet S/o Bhagmal All R/o Village Nakhrola, Tehsil Manesar, Distt. GURUGRAM

R.T./Bkmln

- Deepak Titu

Dheeraj

पूजा

Through Counsel:

[PERVINDER YADAV]
ADVOCATE