

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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105 RFA-3758-2013 (O&M)  
Date of Decision: 16.07.2026

MUNICIPAL CORPORATION GURGAON ...Appellant  
Versus  
MANPHOOL SINGH AND ORS. ...Respondents  
And

| Sr. No. | Case No.            | Appellant(s)                  | Respondent(s)           |
|---------|---------------------|-------------------------------|-------------------------|
| 2.      | RFA-3753-2013 (O&M) | Municipal Corporation Gurgaon | Duli Chand & Ors.       |
| 3.      | RFA-3756-2013 (O&M) | Municipal Corporation Gurgaon | Kaptan Singh & Ors      |
| 4.      | RFA-3757-2013 (O&M) | Municipal Corporation Gurgaon | Satbir & Ors.           |
| 5.      | RFA-4534-2013 (O&M) | Municipal Corporation Gurgaon | Manphool Singh & Ors.   |
| 6.      | RFA-3752-2013 (O&M) | Municipal Corporation Gurgaon | Om Parkash & Ors.       |
| 7.      | RFA-3754-2013 (O&M) | Municipal Corporation Gurgaon | Shakuntla Devi & Ors.   |
| 8.      | RFA-3755-2013 (O&M) | Municipal Corporation Gurgaon | Jagmal Singh & Ors.     |
| 9.      | RFA-680-2015 (O&M)  | State of Haryana & Anr.       | Shoeji Ram & Ors.       |
| 10.     | RFA-4186-2018 (O&M) | Kamla & Ors.                  | State of Haryana & Ors. |
| 11.     | XOBJR-98-2019       | Kamla & Ors.                  | State of Haryana & Ors. |

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Pritam Singh Saini, Advocate and  
Ms. Surbhi Rana, Advocate  
for appellant-Municipal Corporation  
(in RFA/3758-2013, RFA-3753-2013, RFA-3756-2013,  
RFA-3757-2013, RFA-4534-2013, RFA-3752-2013, RFA-  
3754-2013 and RFA-3755-2013)

Mr. Aditya Jain, Advocate,  
Mr. Kaanan Jain, Advocate,

Mr. Reviet Malhotra, Advocate,  
Mr. Yatin Mehta, Advocate and  
Ms. Indu Bala, Advocate  
for respondent-landowners  
(*in RFA-3758-2013, RFA-4534-2013, RFA-3756-2013 and  
RFA-3757-2013*)

Mr. Rohan Moudgil, Advocate and  
Mr. Maninee, Advocate for  
Mr. Sandeep Sharma, Advocate  
for respondents-landowners  
for appellant (*in RFA-4186-2018*)

Mr. Prateek Mahajan, Advocate,  
Mr. Daanish Mahajan, Advocate and  
Mr. Mayank Vashisht, Advocate  
for Municipal Corporation (*in RFA -4186-2018 and  
XOBJR-98-2019*)

Mr. Abhinash Jain, Addl. A.G. Haryana

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**JAGMOHAN BANSAL, J. (ORAL)**

1. As common issues are involved in the captioned appeals, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **RFA-3758-2013**

2. The appellant through instant appeal filed under Section 54 of Land Acquisition Act, 1894 (for short '1894 Act') is seeking setting aside of award dated 28.02.2013 to the extent respondents have been granted 75% share of compensation awarded under 1894 Act.

3. The State Government issued notification dated 11.08.2003 under Section 4 for acquisition of land measuring 35.51 acre situated within the revenue estate of Village Fatehpur, Tehsil and District Gurugram. The aforesaid notification was followed by notification dated 10.08.2004 under Section 6 of 1894 Act. The Land Acquisition Collector,

Gurugram vide award dated 07.12.2005 determined market value at the rate of ₹15,00,000/- per acre. The matter travelled to Reference Court which vide impugned award assessed market value of acquired land at the rate of ₹660/- per sq. yard. The matter reached to this Court which vide order dated 15.02.2016 passed in a bunch of appeals including *RFA-5282-2010* enhanced amount of compensation from ₹660/- to ₹1183/- per sq. yard. Dispute with respect to determination of market value stands settled. Now the dispute between the parties is with respect to apportionment. The appellant-Municipal Corporation, Gurugram claimed that entire compensation should be paid to it. The Reference Court while determining question of enhancement by impugned award dated 28.02.2013 has held that as per revenue record respondents are tenants and Gram Panchayat is owner of the land. The tenants are entitled to 3/4<sup>th</sup> of compensation and Gram Panchayat/Municipal Corporation is entitled to 1/4<sup>th</sup> share. Reference Court relied upon judgment of Hon'ble Supreme Court in *Mangat Ram Vs. State of Haryana, 1999(8) SCC 664*.

4. Learned counsel for appellant submits that respondents were in unauthorized occupation of acquired land. They were not paying rent to Gram Panchayat. They were not actually tenants but were illegal occupants. As per judgment of Supreme Court in *Haryana Wakf Board Vs. State of Haryana, 2018(1) RCR (Civil) 150* an illegal occupant may be awarded compensation not more than 15%.

5. *Per contra*, learned counsel for respondent submits that it is unjustified to claim that respondents were illegal occupant. They were in possession for more than 100 years. In few cases they were in possession

for more than 40 years. The Gram Panchayat neither ever claimed rent nor filed suit for possession nor itself passed any order of eviction. The respondents were legal occupants of land. They were cultivating land and their families were fully dependent upon yield of the land.

6. Heard the arguments and perused the record.

7. From the perusal of record, it is evident that there is no dispute with respect to ownership and possession of land in question. The appellant- Municipal Corporation was owner of land in question. It is apt to notice here that prior to constitution of Corporation and even at the time of acquisition of land, it was owned by Gram Panchayat. The respondents were cultivating land in question. They were in possession of land for multiple decades. The Gram Panchayat never demanded rent from them. The Gram Panchayat further never asked them to vacate the demised land.

8. From the afore-stated undisputed facts, it can be concluded that respondents were not illegal occupants. They could not be treated at par with tenants as discussed in the judgment of *Haryana Waqf Board (supra)*. Their rights could not be treated at par with tenants in aforesaid judgment. There is no document on record disclosing that rent deed was executed between the parties or there was demand of rent by Gram Panchayat. The respondents were cultivating demised land and their families were dependent upon said land.

9. Learned counsel for respondent(s) during the course of hearing has fairly conceded that they would be satisfied if they are granted 50% of awarded compensation. The appellant is claiming that its

share should be 85%.

10. This Court finds offer of respondent more fair and reasonable than claim of appellant. Learned Reference Court has awarded 75% of compensation to respondents. The said share is reduced to 50% and it is hereby held that appellant would be entitled to remaining 50%.

11. Learned counsel for parties are *ad idem* that their are 9 appeals/cross objections where there is prayer for enhancement of market value of acquired land. They further concede that this Court vide order dated 15.02.2016 passed in *RFA-5282-2010* has already enhanced market value from ₹660/- to ₹1183/- per sq. yard.

12. In the wake of statement of all the stake holders, all the appeals/cross objections to the extent of prayer for enhancement of market value are allowed in terms of order dated 15.02.2016 passed in *RFA-5282-2010*.

13. All the appeals and cross-objections stand disposed of in above terms.

14. In the wake of enhancement of market value of acquired land, State's *RFA-680-2015* stands dismissed.

15. Pending application(s), if any, also stands disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**July 16, 2026**  
*Deepak DPA*

Whether Speaking/reasoned: Yes/No  
Whether Reportable: Yes/No