

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

**CM No. 13477/CI of 2012 and
RFA No. 6889 of 2012 (O&M)**

Date of decision : 1.9.2015

Jai Bhagwan and others .. Applicants-appellants
versus
State of Haryana and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: None for the appellants.

Mr. Randhir Singh, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The landowners are in appeal seeking enhancement of compensation for the acquired land. Along with the appeal, application seeking condonation of delay of 1,112 days in filing thereof has also been filed.

Briefly the facts are that vide notification dated 8.9.1997 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') the State of Haryana, sought to acquire land in the revenue estate of village Chakkarpur, Tehsil and District Gurgaon, for development and utilization thereof as residential, commercial, institutional and open space area forming part of Sectors 26-A, 27, 28, 42 and 43 at Gurgaon. Notification under Section 6 of the Act was issued on 7.9.1998. The Land Acquisition Collector (for short, 'the Collector') vide his award dated 6.9.2000, assessed the market value of the acquired land @ ₹ 12,00,000/- per acre for chahi, ₹ 9,60,000/- per acre for allabarani, ₹ 8,40,000/- per acre for bhood, and ₹ 7,20,000/- per are for banjar kind of land. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned Court below, vide award dated 29.8.2009, assessed the market value of the acquired land @ ₹ 717/- per square yard. Aggrieved against the award of learned Court below, the landowners are before this Court.

No one has appeared for the landowners at the time of hearing.

CM No. 13477/CI/2012

After hearing learned counsel for the State and considering the judgment of Hon'ble the Supreme Court in Imrat Lal and others vs Land Acquisition Collector and others 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs. vs Haryana State and others 2015(2) RCR (Civil) 507, delay of 1,112 days in filing the appeal is condoned. However, for the period of delay, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal.

Civil misc. stands disposed of.

RFA No. 6889/2012

Learned counsel for the State could not dispute the fact that the issue raised in the present appeal is squarely covered by judgment of this court in RFA No. 1824 of 2006 Sudama and others vs The State of Haryana and another, decided on 1.10.2010, whereby the compensation for the land acquired vide same notification was further enhanced.

Accordingly, for the reasons recorded in Sudama's case (supra), the present appeal is disposed of in the same terms. However, the landowners shall not be entitled to interest for the period of delay in filing the appeal i.e. 1,112 days.

As counsel for the landowners was not present, let a copy of the order be sent to the landowners for information.

1.9.2015
vs

(Rajesh Bindal)
Judge