

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

**CM No. 4690/CI of 2013 and
RFA No. 2395 of 2013 (O&M)
LAC No. 462 of 2001**

Date of decision : 28.9.2015

Vinod Kumar .. Applicant-Appellant
versus
State of Haryana and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Brijender Kaushik, Advocate, for the appellant.
Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

The landowner is in appeal before this court against the award of the learned court below seeking enhancement of compensation for the acquired land. Along with the appeal, application seeking condonation of delay of 2,806 days in filing thereof has also been filed.

Briefly, the facts are that vide Notification dated 26.4.1995, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the land situated in the area of Villages Maheshpur, Hadbast No. 363, and Fatehpur, Hadbast No. 367, Tehsil and District Panchkula, for development and utilisation thereof as residential area of Sector 21 (Part), Panchkula. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide his award dated 16.9.1997, assessed the market value of the acquired land @ ₹ 4,00,000/- per acre. Dissatisfied with the award of the Collector, the landowner filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 30.4.2005, determined the market value of the acquired land @ ₹ 350/-- per square yard. The aforesaid award has been impugned by the landowner in the present appeal seeking further enhancement.

CM No. 4690/CI/2013

After hearing learned counsel for the parties and considering the judgments 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 2,806 days in filing the appeal is condoned. However, for the period of delay in filing the appeal, the appellant shall not be entitled to interest on the enhanced compensation.

Civil misc. stands disposed of.

RFA No.2395/2013

Learned counsel for the landowner submitted that the claim made in the present appeal is squarely covered by judgment of this court in RFA No. 2695 of 2002 Ashok Kumar vs The State of Haryana, decided on 15.10.2012, whereby compensation for the land acquired vide same notification has been enhanced to ₹ 600/- per square yard.

Learned counsel for the State did not dispute the aforesaid factual position.

Accordingly, for the reasons recorded in Ashok Kumar's case (supra), the appeal is disposed of in the same terms. However, the landowner shall not be entitled to interest for the period of delay in filing the appeal i.e. 2,806 days.

28.9.2015
vs

(Rajesh Bindal)
Judge