

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

CM No.16810-CI of 2014 and
RFA No.10258 of 2014 (O&M)
Date of decision: 24.9.2015

Shiv Kumar

..... Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Kulvir Narwal, Advocate, for the landowner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

RAJESH BINDAL, J

By filing the appeal, the landowner is seeking enhancement of compensation for the acquired land. Along with appeal, application seeking condonation of delay of 1,362 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 1.1.2002 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') State of Haryana, sought to acquire land measuring 409.32 acres situated within the revenue estate of village Para, Tehsil and District Rohtak, for development and utilization thereof as residential, transport, communication Sector 6, Rohtak. The same was followed by notification dated 30.12.2002 issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide his award dated 29.12.2004 assessed the market value @ ₹ 4,50,000/- per acre for Nehri land; ₹ 3,50,000/- per acre for Gair Mumkin, Banjar Kadim, Bhlood and Barani land and ₹ 5,50,000/- per acre for the land near the road upto the depth of one 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 30.11.2010, determined the market value of the acquired land @ ₹ 8,65,435/- per acre. It is this award which is impugned by the landowner before this court.

CM No. 16810-CI of 2014

After hearing learned counsel for the parties 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 1,362 days in filing the appeal is condoned. However, for the period of delay, the applicant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal.

CM stands disposed of.

RFA No. 10258 of 2014

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. 2250 of 2011, Risal Singh vs State of Haryana and another, decided on 1.9.2014, whereby the compensation was further enhanced.

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

Accordingly, for the reasons recorded in Risal Singh's case (supra), the present 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. 1,362 days.

(RAJESH BINDAL)
JUDGE

24.9.2015

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