

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

**CM No. 17036/CI of 2014 and
RFA No. 10347 of 2014 (O&M)
LAC No. 115 of 2009/ 2010**

Date of decision : 12.10.2015

Mam Chand

.. Appellant

versus

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sanjay Mittal, Advocate, for the appellant.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The landowner is in appeal seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 1,080 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 28.4.2008, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana, sought to acquire 7.125 acres of land, situated in villages Nangla Mayan, Mamaria Thether, Mamaria Ahir, Mamaria Assampur and Kadhu alias Bhawani Pur, Tehsil and District Rewari for construction of Nangla Extension Distributory from K. M. 5.750 to 9.470 off taking from K.M. 14.700/L of Dewana distributory. The same was followed by notification dated 12.5.2008, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 23.12.2008 determined the market value of the acquired land @ ₹ 16,00,000/- per acre. Dissatisfied with the award of the Collector, the landowner filed objections, which were referred to the learned court. The learned reference court determined the market value of the acquired land @ ₹ 20,00,000/- per acre. It is this award, which has been impugned by the land owner before this court.

CM No. 17036/CI/2014

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 1,080 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. 10347/2014

Learned counsel for the appellants submitted that the issue raised in the present appeal is squarely covered by the judgment of this court in RFA No. 3989 of 2011 – Raghunath Singh and others vs State of Haryana and others, decided on 24.7.2013.

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

Accordingly, for the detailed reasons recorded in Raghunath 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. 1,080 days.

12.10.2015

vs

(Rajesh Bindal)
Judge