

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

**CM No. 17119-CI of 2014 in/and
RFA No. 10381 of 2014 (O&M)
Date of Decision: 01.05.2015**

Union Territory of Chandigarh

.. Appellant

versus

Right holders/khewatdars of village Sarangpur, U.T. Chandigarh
through Sadhu Singh and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. A.P.Setia, Advocate for the appellant(s).

Rajesh Bindal, J.

This order will dispose of two appeals bearing RFA Nos. 10381 and 10382 of 2014, as common questions of facts and law are involved. However, the facts have been taken from RFA No. 10381 of 2014.

Challenge in the present appeal is to the award of the learned Court below, whereby the compensation awarded to the land owners has been increased. The acquired land is situated in village Sarangpur, Hadbast No.347, Chandigarh. Notification under Section 4 of The Land Acquisition Act, 1894, was issued on 09.03.2006. The Land Acquisition Collector, vide award dated 27.12.2006, assessed the compensation at the rate of ₹25,76,121/- per acre. Aggrieved against the award of the Collector, the land owners filed objections which were referred to the learned Court below, who keeping in view the material placed on record by the parties, assessed the compensation at the rate of ₹49,46,000/- per acre instead of ₹25,76,121/-. Aggrieved against the award of learned Court below, the Union Territory of Chandigarh is in appeal before this Court.

Along with the appeal, an application seeking condonation of delay of 616 days in filing the appeal has been filed. The only ground taken in the application is that due to unavoidable reasons the

appeal could not be filed in time and delay of 616 days in filing the appeal occurred. There were thirty seven references which were decided by the Court below, out of which in thirty five cases appeals were filed in time and two were left. A perusal of the certified copy of the award shows that the copy of the award dated 01.10.2012, was applied on 19.12.2013, which was ready for delivery on 17.01.2014 and in fact the same was delivered on that date. Still thereafter, the appeal was filed in this Court on 01.09.2014. There is hardly any explanation on record for condoning such a huge delay in filing the appeal as nothing has been mentioned in the application.

Considering the aforesaid factual matrix, I do not find that the reasons assigned by learned counsel for the appellant seeking condonation of delay of 616 days in filing the appeal are justifiable on the ground mentioned, hence, delay cannot be condoned. Reference can be made to the judgments of Hon'ble the Supreme Court in, Office of the Chief Post Master General and others Vs. Living Media India Ltd. and another, 2012(2) Civil Court Cases 1 and in Civil Appeal No. 6974 of 2013, Basawaraj and another Vs. The Special Land Acquisition Officer, decided on 22.8.2013.

For the reasons mentioned above, the application seeking condonation of 616 days delay in filing the appeal is dismissed. Consequently, both the appeals are also dismissed.

01.05.2015
Manoj Bhutani

(Rajesh Bindal)
Judge