

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

**CM No. 10450/CI of 2013 in/ and
RFA No. 5379 of 2013 (O&M)**

Date of decision : 21.5.2015

Singha

.. Appellant

versus

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Pankaj Mehta, Advocate, for the applicant-appellant.
Mr. Raj Kumar Makkad, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

CM No. 10450/CI/2013

Learned counsel for the applicant-appellant submitted that the appellant along with other claimants engaged the counsel in the year 2011. Other appeals were filed by the counsel in time except in the case of the present appellant. When this mistake was noticed, the present appeal along with application for condonation of 749 days delay in filing thereof, has been filed. Referring to 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, it was submitted that delay in filing the appeal before this Court be condoned. It was further argued that in the aforesaid cases Hon'ble Supreme Court opined that the landowners shall not be entitled to interest for the period of delay.

On the other hand, learned counsel for the State submitted that the reason given by the appellant is frivolous, vague and as such is not sufficient for condoning huge delay in filing the appeal. However, he could

not cite any judgment taking a view contrary to the judgments referred to by learned counsel for the appellant.

After hearing learned counsel for the parties and considering the judgments of Hon'ble the Supreme Court in Imrat Lal and Dhiraj Singh (D)'s cases (supra), the application for condonation of delay in filing the appeal is allowed. Delay of 749 days in filing the appeal is condoned, subject to the condition that the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal.

RFA No. 5379/2013

The landowner is in appeal seeking enhancement of compensation awarded to him by the learned court below for the acquired land.

Briefly, the facts of the case are that vide notification dated 17.11.2003, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land in village Daroli, Tehsil Adampur, District Hisar for construction of Hisar Ghaggar Multiple Channel. The same was followed by notification dated 19.11.2003, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 25.11.2004, assessed the market value @ ₹ 1,40,000/- per acre for Nehri land and ₹ 1,00,000/- per acre for Taal land. Dissatisfied with the award of the Collector, the land owners filed objections. On reference, the learned court below assessed the market value of the acquired land @ ₹ 3,50,000/- per acre. It is this award which has been impugned in the present appeal.

Learned counsel for the appellant submitted that the issue raised in the present appeal is squarely covered by judgment of this Court in RFA No. 2940 of 2011 Krishan and others vs State of Haryana and others decided on 26.3.2012, whereby the amount of compensation for the land acquired vide same notification was further enhanced.

Learned counsel for the State did not dispute the aforesaid factual position. However, he submitted that as there is delay in approaching the Court, the landowner should not be awarded interest for that period.

Heard learned counsel for the parties and perused the paper book.

For the reasons mentioned in Krishan'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 i.e. 749 days.

21.5.2015

vs

(Rajesh Bindal)

Judge