

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

CM No.2611-CI of 2015 and
RFA No.1381 of 2015 (O&M)
Date of decision: 15.10.2015

Mool Chand and another

..... Appellants

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Shiv Kumar, Advocate, for the appellants.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

RAJESH BINDAL, J

By filing appeal, the landowners are seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 844 days in filing thereof has also been filed.

Briefly, the facts of the case are that vide notification dated 31.7.2006 issued under Section 4 of the Land Acquisition Act, 1894 (for short "the Act"), the State of Haryana sought to acquire land measuring 605 acres 06 kanals 12 marlas situated in the revenue estate of village Machgar, Tehsil Ballabgarh, District Faridabad, for development of Industrial Model Township. The same was followed by notification dated 9.8.2007, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award dated 29.7.2008 assessed the market value of the acquired land @ ₹ 16,00,000/- per acre, later on which was enhanced to ₹ 26,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below, vide award dated 29.5.2012 assessed the market value of the acquired land @ ₹ 707/-per square yard. It is this award, which is impugned by the landowners before this court.

CM No. 2611-CI of 2015

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 844 days in filing the appeal is condoned. However, for the period of delay, the applicants 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. 1381 of 2015

Learned counsel for the landowners submitted that claim made in the present appeal is squarely covered by the judgment of this court in R.F.A. No. 2075 of 2012 –Sohan Lal and another vs. The State of Haryana and others, decided on 3.9.2014, whereby, compensation for the acquired land was assessed @ ₹ 1,230/- per square yard.

Learned counsel for the State did not dispute the aforesaid fact.

Accordingly, for the reasons recorded in Sohan Lal's case (supra), the present appeal is disposed of in the same terms. However, the landowners shall not be entitled to interest for the period of delay in filing the appeal i.e. 844 days.

(RAJESH BINDAL)
JUDGE

15.10.2015

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