

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

**CM No. 17638/CI of 2014 and
RFA No. 10674 of 2014 (O&M)
LAC No. 172 of 1999**

Date of decision : 7.12.2015

Kali Charan and others

.. Appellants

versus

The State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Manoj Kumar Sood, Advocate, for the appellants.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

By filing the appeals, the landowners are seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 4,889 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 8.5.1995, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire the land, situated in village Malerna, Tehsil Ballabgarh, District Faridabad for development and utilisation thereof as commercial, residential and institutional area for Sector 61, Faridabad. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), assessed the compensation for the acquired land. Aggrieved against the award of the Collector, the landowners filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, determined the fair value of the acquired land @ ₹ 400/- per square yard. This award has been impugned by the landowners in the present appeal.

CM No. 17638/CI/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 4,889 days in filing the appeal is condoned. However, for the period of delay in filing the appeal, the appellants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

RFA No.10674/2014

Learned counsel for the landowners submitted that the claim made in the present appeal is squarely covered by the judgment of this Court in RFA No. 2501 of 2001 Ved Pal and others vs State of Haryana and others, decided on 3.5.2006, whereby compensation for the land acquired vide same notification was further enhanced.

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

Accordingly, for the detailed reasons recorded in Ved Pal'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. 4,889 days.

7.12.2015
vs

(Rajesh Bindal)
Judge