

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

**CM No. 3980/CI of 2015 in/ and
RFA No. 2168 of 2015 (O&M)**

Date of decision : 29.5.2015

Devender Singh and others

.. Appellants

versus

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sandeep Goyat, Advocate, for the applicants-appellants.

Mr. Raj Kumar Makkad, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The landowners are in appeal seeking enhancement of compensation for the acquired land. Along with the appeal, application seeking condonation of 914 days delay in filing the appeal has been filed.

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 situated 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 vide award dated 28.1.2011 assessed the market value of the acquired land @ ₹ 3,50,000/- per acre. The aforesaid award has been impugned by the landowners in the present appeal. Along with the appeal, application seeking condonation of 914 days delay in filing thereof has been filed.

CM No. 3980/CI/2015

Learned counsel for the applicants-appellants submitted that the appellants had engaged the counsel for filing the appeal. However, the same was not filed in time though they were informed by the counsel that the appeal had been filed. However, later on they came to know that actually no appeal had been filed. Thereafter, the present appeal along with the application for condonation of delay in filing thereof, has been filed. He further submitted that 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, has condoned the delay in filing the appeals, however, the interest for the period of delay was not awarded to the landowners. He submitted that delay in filing the appeal before this Court be condoned. The contention is that delay should not come in the way for granting substantial justice and the technicality should give way to substantial justice. The Court should be liberal in condoning the delay.

On the other hand, learned counsel for the State submitted that the reason given by the appellants 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 appellants.

RFA No. 2168/2015

Learned counsel for the landowner submitted that the claim made 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 compensation for the land acquired vide same notification was further enhanced to ₹ 4,00,000/- per acre.

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

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

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 in filing the appeal is condoned, subject to the condition that the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal.

Accordingly, for the reasons recorded in Krishan'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. 914 days.

29.5.2015
vs

(Rajesh Bindal)
Judge