

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

**CM No. 4090/CI of 2015 and
RFA No. 2239 of 2015 (O&M)
LAC No. 705 of 28.3.2006**

Date of decision : 20.11.2015

Sukhbir Singh

.. Appellant

versus

State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Chandeeep Singh, Advocate for
Mr. Sandeep K. Sharma, Advocate, for the appellant.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The landowner is in appeal seeking enhancement of compensation for the acquired land. Along with appeal, an application seeking condonation of delay of 1,379 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 1.1.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land, situated in village Mouja Para, Tehsil and District Rohtak for development and utilization thereof as residential, transport and communication Sector-6, Rohtak. The same was followed by notification dated 30.12.2002, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no.5 dated 29.12.2004 assessed the market value of the acquired land @ ₹ 4,50,000/- per acre for nehri/ chahi and ₹ 3,50,000/- per acre for gair mumkin/ banjar kadim/ bhood and barani kinds of land and ₹ 5,50,000/- per acre for the land near the road upto the depth of one acre. Dissatisfied with the award of the Collector, the land owner filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated

30.11.2010, assessed the market value of the acquired land @ ₹ 8,65,435/- per acre. This award has been impugned by the landowner in the present appeal.

CM No. 4090/CI/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 1,379 days in filing the appeal is condoned. However, for the period of delay, the applicant 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. 2239/2015

Learned counsel for the landowner submitted that the claim made in the present appeal is squarely covered by the judgment of this Court in RFA No. 2250 of 2011 - Risal Singh vs State of Haryana and another, decided on 1.9.2014, 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 Risal Singh'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. 1,379 days.

20.11.2015
vs

(Rajesh Bindal)
Judge