

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

**CM No. 4813/CI of 2015 in/and
RFA No. 2682 of 2015 (O&M)**

Date of decision : 22.12.2015

Raghubir Singh and others		.. Appellants
	versus	
State of Haryana and another		.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Shoaib Khan, Advocate, for the appellants.
Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 2682 to 2688 and 3153 of 2015, as the same arise out of common acquisition. However, facts have been extracted from RFA No. 2682 of 2015.

The present appeals have been filed by the landowners seeking enhancement of compensation for the acquired land. Along with the appeal, application for condonation of 220 days delay in filing thereof has also been filed.

Briefly, the facts of the case are that vide notification issued on 26.4.1995, under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire the land situated within the revenue estate of villages Maheshpur Hadbast No.368, and Fatehpur, Tehsil and District Panchkula, for development and utilization thereof as residential Sector 21, Part, Panchkula. Notification under Section 6 of the Act was issued on 23.4.1996. The Land Acquisition Collector (for short, 'the Collector') vide award no.4 dated 16.9.1997 assessed the compensation of the acquired land. Dissatisfied with the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 6.5.2014 relying upon the judgment of this Court in RFA No. 2695 of 2002 Ashok Kumar and others vs State of Haryana and others decided on 5.11.2012, assessed the market value of the

acquired land @ ₹ 600/- per square yard. This award has been impugned before this court by the landowners by filing the present set of appeals.

Delay

After hearing learned counsel for the parties and considering the 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, delay of 220 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.

Appeals

Learned counsel for the landowners submitted that the claim made in the present appeal is squarely covered by judgment of Hon'ble the Supreme Court in Ashok Kumar and others vs State of Haryana and others 2015 (3) Scale 242.

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

Accordingly, for the reasons recorded in Ashok Kumar's case (supra), the present set of appeals are 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. 220 days.

22.12.2015
vs

(Rajesh Bindal)
Judge