

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

RFA No. 278 of 2015 (O&M)

LAC No. 297 of 1991

Date of decision : 19.10.2015

Rajkumar and others

.. Appellants

versus

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Manoj Kaushik, Advocate for
Mr. Karan Bhardwaj, Advocate, for the appellants.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The landowners are in appeal seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 6,541 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 3.2.1988, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire the land in village Bhatauli, Tehsil Jagadhri, District Yamuna Nagar for construction of Sahabad-Nalvi Feeder. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 31.1.1990, assessed the market value of the acquired land @ ₹ 52,000/- per acre for chahi land; ₹ 35,000/- per acre for barani land; ₹ 17,500/- per acre for banjar kadeem land and ₹ 9,000/- per acre for gair mumkin kind of 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 27.11.1995 assessed the market value of the acquired land @ ₹ 62,000/- per acre, instead of ₹ 52,000/- for chahi land. It is this award which has been impugned in the present appeal.

CM No. 477/CI/2015

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 6,541 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. 278/2015

Learned counsel for the landowners submitted that the claim made in the present appeals is squarely covered by the judgment of this Court in RFA No. 128 of 1996 Jagir Singh @ Jasmer and others vs State of Haryana, decided on 5.1.2011, 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 Jagir Singh @ Jasmer's case (supra), the appeal is allowed in the same terms. However, the landowners shall not be entitled to interest for the period of delay in filing the appeal i.e. 6,541 days.

19.10.2015
vs

(Rajesh Bindal)
Judge