

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

CM No.40-CI of 2015 and
RFA No.32 of 2015 (O&M)
Date of decision: 17.8.2015

Bhajni and others

..... Appellants

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Kanav Bansal, Advocate, for
Mr. Munish Kumar Garg, Advocate, for the appellants.
Mr. Abhinash Jain, Assistant Advocate General, Haryana.

RAJESH BINDAL, J

By filing the appeal, the landowners are seeking enhancement of compensation for the acquired land.

Briefly, the facts are that vide notification dated 3.5.2007, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land situated within the revenue estate of village Majra Pegan, Tehsil and District Jind, for construction of Hassanpur Sub Minor. The same was followed by notification issued under Section 6 of the Act dated 20.8.2007. The Land Acquisition Collector (for short, "the Collector") vide award dated 7.11.2007 assessed the market value of the acquired land @ ₹ 8,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below determined the market value of the acquired land @ ₹ 9,00,000/- per acre. It is this award which is impugned in the present appeals by the landowners. The appeal is accompanied by an application seeking condonation of delay of 782 days in filing thereof.

CM No. 40-CI of 2015

Learned counsel for the applicants/appellants submitted that award in the present appeal was passed by the learned reference court on

7.6.2012. The applicants/appellants could not file the present appeal within the period of limitation, as they were not advised by the counsel in the lower court. Now the applicants/appellants approached the undersigned counsel to file the present appeal. Due to this reason, delay has occurred in filing the appeal. The applicants/appellants are rustic villagers. Thereafter, the present appeal along with application seeking condonation of 782 days 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 applicants/appellants is frivolous and 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. 32 of 2015

Learned counsel for the appellants submitted the claim made in the present appeal is squarely covered by judgment of this Court in RFA No. 4824 of 2012 – Smt. Rajwan and others vs State of Haryana, decided on 23.8.2013, whereby, the award of the learned court below with regard to assessment of compensation for the acquired land was upheld. However, compensation on account of severance of land @ 20% of the value of the acquired land was awarded.

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 Smt. Rajwan'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. 782 days.

(RAJESH BINDAL)
JUDGE

17.8.2015

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