

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

CM No.6091-CI of 2015 and
RFA No.3410 of 2015 (O&M)
Date of decision: 15.9.2015

Smt. Dayawati

..... Appellant

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sameer S. Tiwari, Advocate for
Mr. Deepender Singh, Advocate, for the appellant.
Mr. Arun Beniwal, Deputy Advocate General, Haryana.

RAJESH BINDAL, J

By filing appeal, the landowner is seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 945 days in filing thereof has also been filed.

Briefly, the facts of the case are that vide notification dated 31.7.2006 issued under Section 4 of the Land Acquisition Act, 1894 (for short "the Act"), the State of Haryana sought to acquire land measuring 605 acres 06 kanals 12 marlas situated in the revenue estate of village Machgar, Tehsil Ballabgarh, District Faridabad, for development of Industrial Model Township. The same was followed by notification dated 9.8.2007, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award dated 29.7.2008 assessed the market value of the acquired land @ ₹ 16,00,000/- per acre, later on which was enhanced to ₹ 26,00,000/- per acre. Dissatisfied with the award of the Collector, the landowner filed objections. On reference, the learned court below, vide award dated 29.5.2012 assessed the market value of the acquired land @ ₹ 707/-per square yard. It is this award, which is impugned by the landowner before this court.

CM No. 6091-CI of 2015

Learned counsel for the applicant/appellant submitted that after the passing of the award by the court below, the applicant/appellant requested Mr. Surender Singh Tanwar, Advocate, who had filed the objections before the court below, to engage a counsel for filing appeal before this Court. For the purpose, Mr. Surender Singh Tanwar, Advocate had prepared all the relevant papers, but the counsel got seriously ill and remained admitted in hospital. In March 2013, the applicant/appellant enquired from the counsel and he told the applicant/appellant that the appeal had been filed and will be decided with the other connected appeals. Because of his persistent illness, the counsel shifted from Faridabad to his native village and the applicant/appellant could not contact the counsel. The applicant/appellant came to know that this Court decided a bunch of appeals on 3.9.2014. On enquiry from the website of this Court, the applicant/appellant came to know that no appeal had been filed on her behalf. Thereafter, the applicant/appellant approached the present counsel and filed the appeal in hand. Due to this reason, delay of 945 days has occurred in filing the appeal. 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.

Learned counsel for the State submitted that the reason given by the applicant/appellant 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 appellant.

RFA No. 3410 of 2015

Learned counsel for the landowner submitted that claim made in the present appeal is squarely covered by the judgment of this court in

R.F.A. No. 2075 of 2012 –Sohan Lal and another vs. The State of Haryana and others, decided on 3.9.2014, whereby, compensation for the acquired land was assessed @ ₹ 1,230/- per square yard.

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 appellant 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 Sohan Lal'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. 945 days.

(RAJESH BINDAL)
JUDGE

15.9.2015

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