

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

CM No.6137-CI of 2015 and
RFA No. 3452 of 2015 (O&M)
Date of decision : 4.9.2015

Sonia and another

... Appellants

vs

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sandeep Panwar, Advocate, for the landowners.

Mr. Randhir Singh, Additional 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 4,820 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 19/20.10.1995, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), State of Haryana sought to acquire 73 acres, 2 kanals and 8 marlas of land, situated in village Rao Majra, Hadbast No. 312, Tehsil Naraingarh, District Ambala for forestation purpose. The same was followed by notification dated 20.1.1998, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') assessed the market value of the acquired land @ ₹ 90,000/- per acre for Chahi land; ₹ 60,000/- per acre for Barani land; ₹ 40,000/- per acre for Banjar Kadim land; ₹ 30,000/- per acre for Gair Mumkin Darar land and ₹ 20,000/- per acre for Gair Mumkin Chao 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 27.11.2001, assessed the market value of the acquired land @ ₹ 1,10,000/- per acre. This award

has been impugned by the landowners in the present appeal.

CM No.6137-CI of 2015

Learned counsel for the applicants/appellants submitted that the applicants/appellants had engaged Sh. Lala Faquir Chand Aggarwal, Advocate to file their appeal and for the same, they handed over to him all the requisite documents and fees. When they enquired about their appeal, the counsel told them that their appeal had been filed. Even the applicants-appellants handed over to the counsel notice received in the appeal filed by the State against the same impugned award. The applicants-appellants told by the counsel that he will appear in the State appeal as well. The applicants-appellants came to know about the order dated 11.11.2010 passed by this Court, whereby the appeals filed by the State were dismissed and the appeals filed by the landowners were allowed. Unfortunately, the counsel had died on 19.8.2007. On enquiry, the applicants/appellants found that no appeal had been filed on their behalf. Then immediately, they approached the counsel and filed the present appeal. Due to this reason, delay of 4,820 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.

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.3452 of 2015

Learned counsel for the landowners submitted that the claim made in the present appeal is squarely covered with the judgment of this

court in RFA No. 780 of 2002--State of Haryana Vs. Ram Partap and others, decided on 11.11.2010, whereby, compensation for the land acquired vide same notification was assessed @ ₹ 1,50,000/- per acre.

Learned counsel for the State did not dispute the aforesaid fact.

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 detailed reasons recorded in Ram Partap'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. 4,820 days.

4.9.2015

sharmila

(Rajesh Bindal)

Judge