

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

CM No. 6678/CI of 2015 and
RFA No. 3716 of 2015 (O&M)
LAC No. RBT-319-LA of 2008
Date of decision : 7.9.2015

Surender Kumar Appellant
vs
State of Haryana and others Respondents

Present: Mr. Sushil K. Sharma, Advocate, for the landowner.
Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal J.

The landowner is in appeal before this court against the award of the learned court below passed under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act') seeking enhancement of compensation for the acquired land. Along with the appeal, application seeking condonation of delay of 414 days in filing thereof has also been filed.

Briefly, the facts are that vide Notification dated 4.7.2006, issued under Section 4 of the Act, the land situated in the area of Villages Fatehabad, Basti Bhiwan and Matana, Tehsil and District Fatehabad, was sought to be acquired by the State of Haryana for development and utilisation thereof as residential and commercial Sectors 9 to 11, 11-A at Fatehabad. Notification under Section 6 of the Act was issued on 3.7.2007. The Land Acquisition Collector (for short, 'the Collector'), vide his award dated 31.3.2008, assessed the market value of the acquired land @ ₹ 12,00,000/- per acre for nehri/chahi/gair mumkin land for village Fatehabad; ₹ 12,00,000/- per acre for nehri/chahi/Tibba/tal land and ₹ 24,00,000/- per acre for gair mumkin land for village Basti Bhiwan and ₹ 9,00,000/- per acre for all kinds of land of village Matana. Dissatisfied with the award of the Collector, the landowner filed objections. On reference under Section 18 of the Act, the learned court below vide order dated 24.12.2013, determined the market value of the acquired land @ ₹ 965/- per square yard for all kinds of land for all the villages. It is this award which has been impugned in the present appeal.

CM No. 6678/CI/2015

After hearing learned counsel for the parties and considering the judgment 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 414 days in filing the appeal is condoned. However, for the period of delay in filing the appeal, the appellant shall not be entitled to interest on the enhanced compensation.

Civil misc. stands disposed of.

RFA No. 3716/2015

Learned counsel for the landowner submitted that the claim made in the present appeal is squarely covered by judgment of this court in RFA No. 5585 of 2014 -Haryana Urban Development Authority and another v. Prem Chand Gupta and others, decided on 22.7.2015, whereby compensation for the land acquired vide same notification has been enhanced to ₹ 1,485/- per square yard.

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

Accordingly, for the reasons recorded in Prem Chand Gupta's case (supra), the 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. 414 days.

7.9.2015

vs.

(Rajesh Bindal)
Judge