

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

CM No.5664-CI of 2014 and
RFA No.3413 of 2014 (O&M)
Date of decision: 17.8.2015

Mahant Shiv Puri Chela Mahant Ram Puri

..... Appellant

Versus

Union of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Tapan K. Yadav, Advocate, for
Mr. Jai Vir Yadav, Advocate, for the landowner.

Mr. Ashish Rawal, Advocate, for the respondent.

RAJESH BINDAL, J

By filing the appeal, the landowner is seeking enhancement of compensation for the acquired land. Along with the appeal an application seeking condonation of delay of 2,050 days in filing the appeal has also been filed.

Briefly, the facts of the case are that vide notification dated 31.1.1992 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') Union Territory, Chandigarh, sought to acquire land situated within the revenue estate of village Manimajra, Union Territory, Chandigarh, for development as residential-cum-commercial complex and for the construction of Municipal Park and public utility building, scheme no. 3 by the Notified Area Committee, Manimajra. The same was followed by notification dated 29.1.1993 issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide his award dated 10.9.1998 assessed the market value of the land @ ₹ 3,50,000/- per acre. Dissatisfied with the award of the Collector, the landowner filed objections. On reference under Section 18 of the Act, the learned court below

determined the market value of the acquired land @ ₹ 4,35,600/- per acre. It is this award which is impugned by the appellant before this court.

CM No. 5664-CI of 2014 for condonation of delay

Learned counsel for the applicant/appellant submitted that the learned court below passed the award dated 3.4.2008. After the passing of the award, a complaint was made by Mahant Ganga Puri against the applicant/appellant claiming to be secretary of Sh. Panchayati Akhada, Mahanirwani. Acting upon the said complaint, the Deputy Commissioner, Ambala, on 6.10.2008, ordered removal of the applicant/appellant from the Mahantminship of Samadhi of Sh. Krishan Puri Ji, Ram Bagh, Ambala City. Aggrieved against the order dated 6.10.2008, the applicant/appellant filed a civil suit No.217 of 2008 seeking declaration with a consequential relief of permanent injunction. Vide judgment dated 15.7.2013, the suit was decreed. After getting the copy of the judgment dated 15.7.2013, and as no notice so far has been received regarding filing of appeal by the defendants against the judgment dated 15.7.2013, the applicant/appellant contacted the counsel, who had appeared before the learned reference court and applied for certified copy of the award by moving an application on 8.1.2014. The same was prepared on 23.1.2014. Due to this reason, delay has occurred in filing the appeal. Thereafter, the present appeal along with application seeking condonation of 2,050 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 respondent 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. 3413 of 2014

Learned counsel for the landowner submitted that the issue raised in the present appeal is squarely covered by judgment of this court in RFA No. 1920 of 2004 – Union Territory, Chandigarh vs Puran Chand Gupta and others, decided on 15.3.2010, whereby the market value of the land acquired vide same notification was assessed at ₹ 196/- per square yard.

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

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 is allowed. The 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 Puran Chand Gupta' (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. 2,050 days.

(RAJESH BINDAL)
JUDGE

17.8.2015

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