

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

CM No.6320-CI of 2014
RFA No. 3696 of 2014 (O&M)
Date of decision : 1.9.2015

Smt. Punni and others

... Appellants

vs

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rakesh Dhiman, Advocate, for the landowners.

Mr. Arun Beniwal, Deputy 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 163 days in filing thereof, has also been filed.

Briefly, the facts are that vide notification dated 15.11.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land measuring 110 bighas, 9 biswas, 18.5 biswansi, situated within the revenue estate of village Khandsa, 69 acres, 4 kanals, 4 marlas land of village Narsinghpur, 157 acres, 1 kanal, 16.62 marlas land of village Begumpur Khatola for public purposes i.e. for development of integrated complex for industrial, institutional, commercial, recreational and other public utilities for IMT Manesar. However, 49 bighas, 5 biswas, 13-½ biswansi of village Khandsa, 83 kanals 13 marlas of village Begampur Khatola, 7 kanals 10 marlas of land of village Narsinghpur was subsequently de-notified by the Government. Notification under Section 6 of the Act was issued on 12.11.2003. The Land Acquisition Collector (for short, "the Collector") vide award dated 18.11.2005 assessed the market value of the acquired land @ ₹ 15,00,000/- per acre. Dissatisfied

with the award of the Collector, the landowners filed objections. On reference, the learned court below, vide award dated 13.5.2013 while relying upon award of the nearby acquired land, determined the fair market value of the acquired land @ ₹ 40,95,000/- per acre. It is this award which has been impugned by the landowners before this court.

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Learned counsel for the applicants/appellants submitted that the whole land of the applicants/appellants was acquired. They are poor persons and have no source of income to file appeal as the amount compensation awarded by the Collector was not received by them. After arranging money, they contacted the counsel and filed the present appeal. Due to this reason, delay of 163 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.

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Learned counsel for the landowners submitted that the claim made in the present set of appeals is squarely covered with the judgment of this court passed in RFA No. 5378 of 2013-Ram Niwas and others Vs. Sub Divisional Officer and others, decided on 23.9.2014, whereby, compensation for the land acquired vide same notification was assessed @ ₹ 57,08,000/- 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 Niwas'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. 163 days.

1.9.2015

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(Rajesh Bindal)

Judge