

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

CM No. 8361/CI of 2015 and
RFA No. 4305 of 2015 (O&M)
LAC No. 342 of 1997
Date of decision : 8.9.2015

Balbir Singh and others .. Applicants-Appellants
versus
Punjab State and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Ms. Mandeep K. Kahlon, Advocate,
for the applicants-appellants.
Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.

Rajesh Bindal, J.

The landowners are in appeal before this court against the award of the learned court below seeking enhancement of compensation for the acquired land. Along with the appeal, application seeking condonation of delay of 5,157 days in filing thereof has also been filed.

Briefly, the facts are that vide Notification dated 12.1.1990, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the land situated in the area of Villages Jugial and Rajpura, Tehsil Pathankot, District Gurdaspur, was sought to be acquired by the State of Punjab for construction of Ranjit Sagar Dam. Notification under Section 6 of the Act was issued on 28.2.1990. The Land Acquisition Collector (for short, 'the Collector'), vide his award dated 29.5.1991, assessed the market value of the acquired land at the following rates:-

<u>Village</u>	<u>Type of Land</u>	<u>Compensation awarded per acre in ₹</u>
Rajpura	a) Nehri/ Chahi	36,000/-
	b) Barani-I	30,000/-
	c) Barani-II/ gair mumkin/ rasta	24,000/-
Jugial	a) Barani-II	24,000/-

Dissatisfied with the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below vide order dated 31.3.2001, determined the market value of the

acquired land at the following rates:-

<u>Village</u>	<u>Type of Land</u>	<u>Compensation awarded per acre in ₹</u>
Rajpura	a) Nehri/ Chahi	45,000/-
	b) Barani-I	38,000/-
	c) Barani-II/ gair mumkin/ rasta	29,000/-
Jugial	a) Barani-II	29,000/-

The aforesaid award has been impugned by the landowners in the present appeal seeking further enhancement.

CM No. 8361/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 5,157 days in filing the appeal is condoned. However, for the period of delay, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal.

Civil misc. stands disposed of.

RFA No. 4305/2015

Learned counsel for the landowners submitted that the claim made in the present appeal is squarely covered by judgment of this court in RFA No. 4525 of 2001 - Thuru Ram vs State of Punjab and others, decided on 16.3.2009, whereby compensation for the land acquired vide same notification has been enhanced to ₹ 1,290/- per marla.

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

Accordingly, for the reasons recorded in Thuru Ram's case (supra), the 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. 5,157 days.

8.9.2015
vs

(Rajesh Bindal)
Judge