

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

CM No.8720-CI of 2015 and
RFA No.4517 of 2015 (O&M)
Date of decision: 28.8.2015

Kanwar Singh (deceased) through LR and others

..... Appellants

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Anil Kumar Rana, Advocate for the landowners.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

RAJESH BINDAL, J

The landowners are before this Court seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 882 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 31.7.2006 issued under Section 4 of the Land Acquisition Act, 1894 (for short "the Act"), the State of Haryana sought to acquire land situated in the revenue estate of village Sotai, Tehsil Ballabgarh, District Faridabad, for development of Industrial Model Township. The same was followed by notification dated 9.8.2007, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 15.7.2008 assessed the market value of the acquired land @ ₹ 16,00,000/- per acre, later on which was enhanced to ₹ 26,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below vide award dated 31.7.2012 assessed the market value of the acquired land @ ₹ 707/- per square yard. This award has been impugned by the landowners before this Court.

CM No.8720-CI of 2015

Learned counsel for the applicants/appellants submitted that in November, 2014, when the applicants/appellants came to know that the cases of the other landowners were decided by this court, then they enquired from their counsel and came to know about the passing of the award by the reference court. Immediately thereafter, they applied for certified copy of the order and filed the present appeal. Due to this reason, delay of 882 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.4517 of 2015

Learned counsel for the landowners submitted that claim made in the present appeal is squarely covered by the judgment of this Court in R.F.A. No. 2075 of 2012 –Sohan Lal and another vs. The State of Haryana and others, decided on 3.9.2014, whereby, compensation for the acquired land was assessed @ ₹ 1,230/- per square yard.

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

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 reasons recorded in Sohan Lal'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. 882 days.

(RAJESH BINDAL)
JUDGE

28.8.2015

sharmila