

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

CM No.8775-CI of 2015 in/and
RFA No. 4544 of 2015 (O&M)
Date of decision :13.10.2015

Dalbir Singh and others

... Appellants

vs

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashok K. Sharma (Bhana), Advocate, for the appellants.

Ms. Vibha Tewari, Assistant 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 1,034 days in filing thereof, has also been filed.

Briefly, the facts are that vide notification dated 3.5.2007, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land situated within the revenue estate of village Majra Pegan, Tehsil and District Jind, for construction of Hassanpur Sub Minor. The same was followed by notification issued under Section 6 of the Act dated 20.8.2007. The Land Acquisition Collector (for short, "the Collector") vide award dated 7.11.2007 assessed the market value of the acquired land @ ₹ 8,00,000/- per acre. Aggrieved against the award of the Collector, the landowners filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, determined the fair value of the acquired land @ ₹ 9,00,000/- per acre. It is this award which has been impugned by the landowners before this Court.

CM No.8775-CI of 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 1,034 days in filing the appeal is condoned. However, for the period of delay, the applicants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal.

CM stands disposed of.

RFA No.4544 of 2015

Learned counsel for the appellants submitted that the claim made in the present appeal is squarely covered by judgment of this Court in RFA No. 4824 of 2012 – Smt. Rajwan and others vs State of Haryana, decided on 23.8.2013, whereby, the award of the learned court below with regard to assessment of compensation for the acquired land was upheld. However, compensation on account of severance of land @ 20% of the value of the acquired land was awarded.

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

Accordingly, for the reasons recorded in Smt. Rajwan'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. 1,034 days.

13.10.2015

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(Rajesh Bindal)
Judge