

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

CM No.8780-CI of 2015 and
RFA No.4549 of 2015 (O&M)
Date of decision: 9.10.2015

Mukhtiar Singh (deceased) through LRs and others

..... Appellants

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vikrant Hooda, 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 1,195 days in filing thereof, has also been filed.

Briefly, the facts of the case are that State of Haryana vide notification dated 17.4.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land situated in village Sarai Aurangabad, Tehsil Bahadurgarh, District Jhajjar for development thereof as residential and industrial Sectors. The same was followed by notification dated 10.4.2003, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award No.6 dated 25.6.2004, assessed the market value of the acquired land @ ₹ 3,50,000/- per acre for Chahi and Nehri land and ₹ 2,50,000/- per acre for Barani and Gair Mumkin kind of land. 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, assessed the compensation for the acquired land @ ₹ 4,50,000/- per acre for Chahi and Nehri land and ₹ 3,50,000/- per acre for Barani and Gair Mumkin land and low tying land (khada) land. The same has been impugned by the landowners in the present appeal.

CM No.8780-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 1,195 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.4549 of 2015

Learned counsel for the appellants submitted that the claim made in the present appeal is squarely covered by the judgment of this Court in RFA No.1626 of 2011—Puran Chand Wadhwa (deceased) through LRs v. Land Acquisition Collector and another, decided on 31.8.2015, whereby the compensation was further enhanced.

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

Accordingly, for the reasons recorded in Puran Chand Wadhwa's case (supra), the present appeals are 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. 1,195 days.

(RAJESH BINDAL)
JUDGE

9.10.2015

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