

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

**CM No. 8861/CI of 2015 in/ and
RFA No. 4594 of 2015 (O&M)**

Date of decision : 22.12.2015

Satbir (deceased) through LRs and another	.. Appellants
versus	
State of Haryana and others	.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sandeep Chhabra, Advocate, for the applicants-appellants.
 Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

The present appeal has been filed by the landowners seeking enhancement of compensation for the acquired land. Along with the appeal, application seeking condonation of 6042 days delay in filing thereof has also been filed.

Briefly, the facts of the case are that vide notification issued on 5.6.1992, under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire the land situated within the revenue estate of village Daultabad, Hadbast No.121, Tehsil and District Faridabad, for development and utilisation thereof as Public, Semi-Public Transport, Communication and Institutional use for administrative education medical/ defence purpose in Sector 20-A, Faridabad. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no.5 dated 2.6.1995 assessed the compensation @ ₹ 3,50,000/-per acre for the low lying area from where the soil had been lifted and ₹ 4,50,000/- per acre for the remaining land. Dissatisfied with the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below assessed the market value of the acquired land @ ₹ 392.50 per square yard. It is this award which has been impugned by the landowners in the present appeal.

Delay

After hearing learned counsel for the parties and considering the judgments 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 6042 days in filing the appeal is condoned. However, for the period of delay in filing the appeal, the appellants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

Appeal

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. 2392 of 1997 – Mukhtiar Singh and others vs State of Haryana and another, decided on 10.12.2015, whereby the compensation for the land acquired vide same notification was further enhanced to ₹ 566/- per square yard.

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

Accordingly, for the reasons recorded in Mukhtiar Singh's case (supra), the present appeal is allowed in the same terms. However, the landowners shall not be entitled to interest for the period of delay in filing the appeal i.e. 6042 days.

22.12.2015
vs

(Rajesh Bindal)
Judge