

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.F.A. No. 4820 of 2015 (O&M)

Date of decision: 29.9.2015

State of Haryana and others

.. Appellants

v.

Gopi Ram and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Pritam S. Saini, Additional Advocate General, Haryana.

...

Rajesh Bindal J.

This order will dispose of a bunch of appeals bearing RFA Nos. 4820 to 4834 of 2015, as the same arise out of a common acquisition.

The facts have been extracted from RFA No. 4820 of 2015.

The State is in appeal impugning the award of the learned Reference Court dated 23.9.2009, whereby the compensation for the acquired land was assessed. The appeal is accompanied by an application seeking condonation of delay of 1,983 days in filing thereof and another application seeking condonation of delay of 10 days in re-filing the appeal.

Briefly, the facts of the case are that vide notification dated 27.11.1995, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire 10.60 acres of land, situated in the revenue estate of village Gangoli, Tehsil Nuh, District Gurgaon for construction of Dabalu Minor at RD 14380 to Tail RD 33500. The same was followed by notification dated 25.1.1996, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award dated 26.9.1997, assessed the market value of the acquired land @ ₹ 2,60,000/- per acre for Chahi and Gair mumkin and ₹

1,90,000/- per acre for Alabarani and Bhood kind of land. Aggrieved against the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below upheld the award of the Collector as far as compensation for the acquired land is concerned, however, awarded damages on account of severance of land.

Learned counsel for the applicants-appellants submitted that the State as such was not aggrieved against the award. The amount of compensation awarded by the Reference Court was deposited in the executing court, however, due to inadvertence the appeal was not filed in this court. As now the landowners have filed execution claiming the amount of severance and the court below has directed for making payment of compensation, the present appeal has been filed. There is delay of 1,983 days in filing thereof. He further submitted that against the order passed by the executing court directing payment of amount, remedy is being availed of by it separately.

Heard learned counsel for the State and perused the paper book.

The only ground taken by the applicants-appellants seeking condonation of delay in filing the appeal is that initially the same could not be filed due to inadvertence and over-sight. Whatever relief was granted to the landowners was quite explicit in the award. Merely because the landowners have now filed execution seeking payment of compensation in terms of the award and certain order has been passed by the executing court, it cannot be said to be a good ground to file appeal at this late stage by seeking condonation of delay of 1,983 days in filing thereof.

Accordingly, the applications for condonation of delay are dismissed. Consequently, the appeals and other accompanying applications are also dismissed.

(Rajesh Bindal)
Judge

29.9.2015
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