

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

RFA No. 5382 of 2015 (O&M)

LAC No. 611 of 2010

Date of decision : 19.10.2015

Smt. Bimla Suhag

.. Appellant

versus

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Vikrant Hooda, Advocate, for the appellant.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

By filing appeal, the landowner is seeking enhancement of compensation for the acquired land. Along with the appeal, an application, seeking condonation of delay of 1,360 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 Barkhtabad, 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.8 dated 25.6.2004 assessed the market value of the acquired land @ ₹ 4,68,789/- per acre for Chahi land; ₹ 3,90,657/- per acre for Barani land and ₹ 2,67,000/- per acre for Gadha kind of land. Aggrieved against the award of the Collector, the landowner filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties vide award dated 4.8.2011 assessed the compensation for the acquired land @ ₹ 6,02,000/- per acre for Chahi, Nehri and Gair Mumkin land and ₹ 5,50,000/- per acre for Barani kind of land. The same has been impugned by the

landowner in the present appeal.

CM No. 10838/CI/2015

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 1,360 days in filing the appeal is condoned. However, for the period of delay in filing the appeal, the appellant shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

RFA No. 5382 of 2015

Learned counsel for the appellant 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 vs 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 appeal is disposed of in the same terms. However, the landowner shall not be entitled to interest for the period of delay in filing the appeal i.e. 1,360 days.

19.10.2015
vs

(Rajesh Bindal)
Judge