

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

CM No.10908-CI of 2015 and
RFA No.5418 of 2015 (O&M)
Date of decision: 16.10.2015

Bachan Singh (deceased) through LRs

..... Appellant

Versus

Haryana State and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Chiranji Lal, Advocate, for the appellant.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Mr. Pritam Singh Saini, Advocate, for HSIIDC.

RAJESH BINDAL, J

By filing the appeal, the landowner is seeking enhancement of compensation for the acquired land. Along with appeal, application seeking condonation of delay of 4,392 days in filing thereof, has also been filed.

Brief facts of the case are that the State of Haryana vide notification dated 15.11.1994, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') sought to acquire land measuring 1490 acres 3 kanals and 17 marlas situated within the revenue estate of villages Manager, Naharpur Kasan, Khoh and Kasan, Tehsil and District Gurgaon, for setting up of Industrial Model Township Manesar, Gurgaon. Notification under Section 6 of the Act was issued on 10.11.1995. The Land Acquisition Collector (for short, 'the Collector') vide award dated 3.4.1997 assessed the market value of the acquired land of all the villages @ ₹ 4,13,600/- per acre. The landowner feeling dissatisfied with the award of the Collector, filed objections. Considering the material placed on record, the learned court below, determined the market value of the acquired land @ ₹ 6,89,333/- per acre for the land situated around 500 yards from the National Highway No.8 and for the rest of B Class acquired land upheld the award of the Collector. This award has been impugned by the landowner before this Court.

CM No. 10908-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 4,392 days in filing the appeal is condoned. However, for the period of delay, the applicant 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. 5418 of 2015

Learned counsel for the appellant submitted that the issue involved in the present appeal is squarely covered by the judgment of Hon'ble the Supreme Court in Civil Appeal No. 6515 of 2009 Haryana State Industrial Development Corporation vs Pran Sukh and others decided on 17.8.2010, whereby the compensation payable to the landowners was further enhanced to ₹ 20,00,000/- per acre with all statutory benefits.

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

For the reasons recorded in the aforesaid judgment, the 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. 4,392 days.

(RAJESH BINDAL)
JUDGE

16.10.2015

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