

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.11553-CI of 2015 and
RFA No. 5679 of 2015 (O&M)
Date of decision :22.9.2015

Bhagwan Dass

... Appellant

vs

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashish Gupta, Advocate, for the landowner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The landowner is in appeal seeking enhancement of compensation for the acquired land. Along with appeal, application seeking condonation of delay of 277 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 12.2.2008, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land measuring 82.91 acres, situated in villages Dhangar, Basti Bhiwan, Barseen and Matana, Tehsil and District Fatehabad for construction of by pass road adjacent to Sector 4, 5, 5 Part & 7A Part, Fatehabad. The same was followed by notification dated 13.2.2008, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide his award dated 30.12.2008, assessed the market value of the acquired land of all the villages as under:-

Dhangar

Per acre (in ₹)	Kind of land
9,00,000/-	Nehri/Chahi/Gair Mumkin
8,00,000/-	Taal/Tibba
26,00,000/-	Upto 2 acres depth from the road in khasra No.98//8, 14, 17, 25, 105//5, 6, 106//1, 2, 9, 10, 11, 12 & 19

Basti Bhiwan

Per acre (in ₹)	Kind of land
17,00,000/-	Nehri/Chahi/Gair Mumkin Rasta and upto 2 acres from the road in Khasra No.137//10, 11, 12, 13, 16/2, 17, 18, 19, 138//6 & 15.
12,00,000/-	Other land

Barseen

Per acre (in ₹)	Kind of land
11,00,000/-	Nehri/Chahi/Gair Mumkin Rasta
8,00,000/-	Taal/Tibba

Matana

Per acre (in ₹)	Kind of land
18,00,000/-	Nehri/Chahi/Gair Mumkin Khaal Rasta
11,00,000/-	Taal
10,00,000/-	Tibba

Dissatisfied with the award of the Collector, the land owner filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 16.8.2014, assessed the market value of the acquired land of all the villages @ ₹ 43,20,000/- per acre for all kinds of land. This award has been impugned by the landowner in the present appeal.

CM No.11553-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 277 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.5679 of 2015

Learned counsel for the landowner submitted that the claim made in the present appeal is squarely covered by the judgment of this

Court in RFA No.9626 of 2014-- Hanuman Singh v. State of Haryana and others, decided on 22.9.2015, whereby, compensation for the land acquired vide same notification for all the villages, was assessed @ ₹ 50,00,000/- per acre.

Learned counsel for the State did not dispute the aforesaid fact.

Accordingly, for the detailed reasons recorded in Hanuman Singh'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. 277 days.

22.9.2015

sharmila

(Rajesh Bindal)
Judge