

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

**CM No. 12013/CI of 2015 and
RFA No. 5824 of 2015 (O&M)**

Date of decision : 7.12.2015

Jang Bhushan

... Appellant

VS

Union Territory, Chandigarh

... Respondent

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Hardip Singh, Advocate, for the appellants.

Mr. Vikram Vir Sharda, Advocate, for U.T. Chandigarh.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 5824 to 5827, 6003 and 6904 of 2015, as the same arise out of common acquisition.

By filing the present appeals, the landowners are seeking enhancement of compensation for the acquired land. Along with the appeals, applications seeking condonation of delay of 2401 days in filing thereof, have also been filed in all cases.

Briefly, the facts are that vide notification dated 12.6.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Chandigarh Administration sought to acquire land situated in villages Raipur Kalan, Hadbast No. 371 and Mauli Jagran, Hadbast No. 373, Union Territory, Chandigarh, for setting up of Industrial Area and other allied uses for 3rd Phase. Notification under Section 6 of the Act was issued on 20.11.2002. The Land Acquisition Collector (for short, 'the Collector') vide award no. 559 dated 28.3.2003 assessed the market value of all kinds of land of village Raipur Kalan @ ₹ 11,28,480/- per acre and @ ₹ 5,11,875/- per acre for gair mumkin nadi, nala, choe and khadan, whereas for the land of village Mauli Jagran @ ₹ 12,19,040/- per acre for all kinds of

land and @ ₹ 5,07,925/- per acre for gair mumkin nadi, nala, choe and khadan. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below determined the market value of the entire acquired land of both the villages @ ₹ 20,86,398/- per acre. It is this award which is impugned before this court by the landowners.

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 2401 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.

Appeals

Learned counsel for the appellants submitted that the issue involved in the present set of appeals is squarely covered by the judgment of this Court in RFA No. 2870 of 2009 Gurdev Singh and others vs Union Territory, Chandigarh decided on 22.9.2015, whereby the compensation for the land acquired vide same notification was further enhanced to ₹ 29,50,000/- per acre.

Learned counsel for the Union Territory, Chandigarh did not dispute the aforesaid factual position.

Accordingly, for the reasons recorded in Gurdev Singh's case (supra), the present appeals are 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. 2401 days.

7.12.2015
vs.

(Rajesh Bindal)
Judge