

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

RFA No. 6116 of 2015 (O&M)

LAC No. 739 of 2010

Date of decision : 19.10.2015

Mahender Singh (deceased) through LRs and others .. Appellants

versus

State of Haryana and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

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

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The landowners are in appeal seeking enhancement of compensation for the acquired land. Along with the appeal, an application, seeking condonation of delay of 437 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification 17.4.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, the Act), State of Haryana sought to acquire the land, situated in village Bahadurgarh, Hadbast No.38, Tehsil Bahadurgarh, District Jhajjar, for development and utilisation thereof as Commercial, Institutional, Residential for Sector-1 (Part)-10, 11 (Part), 12 and 13, Bahadurgarh. 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.9 dated 25.6.2004, assessed the compensation @ ₹ 6,00,000/- per acre for chahi/ nehri/ gair mumkin, ₹ 5,50,000/- per acre for barani/ banjar, and ₹ 2,50,000/- per acre for gadha khadda. Aggrieved against the award of the Collector, the landowners filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, determined the fair value of the acquired land @ ₹ 11,31,000/-

per acre. This award has been impugned in the present appeal by the appellants.

CM No.12495/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 437 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.

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Learned counsel for the landowners submitted that the claim made in the present appeals 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, compensation for the land acquired vide same notification was assessed @ ₹ 13,00,000/- per acre.

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

Accordingly, for the detailed reasons recorded in Puran Chand Wadhwa's case (supra), the appeal is 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. 437 days.

19.10.2015
vs

(Rajesh Bindal)
Judge