

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

**CM No. 12532/CI of 2015 and
RFA No. 6142 of 2015 (O&M)**

Date of decision : 7.12.2015

Ashok Masih

... Appellant

VS

Union Territory, Chandigarh

... Respondent

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: None for the appellant.

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

Rajesh Bindal, J.

By filing the present appeal, the landowner is seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 1098 days in filing thereof, has also been filed.

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, Union Territory, Chandigarh, for development as 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 the acquired land @ ₹ 11,28,480/- per acre. 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 @ ₹ 21,00,000/- per acre instead of ₹ 11,28,480/- per acre. It is this award which is impugned before this court by the landowner.

CM No. 12532/CI/2015

After hearing learned counsel for Union Territory, Chandigarh 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 1098 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. 6142/2015

Learned counsel for Union Territory fairly submitted that the issue involved in the present appeal is squarely covered by 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.

Accordingly, for the reasons recorded in Gurdev Singh's case (supra), the present appeal is allowed in the same terms. However, the landowner shall not be entitled to interest for the period of delay in filing the appeal i.e. 1098 days.

7.12.2015

vs.

(Rajesh Bindal)
Judge