

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 12538/CI of 2015 in/and
RFA No. 6147 of 2015 (O&M)
LAC No. 419 of 12.9.2005

Date of decision : 22.12.2015

Smt. Ajmero Devi (deceased) through LR Appellant
vs
The State of Haryana and others Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Deepak Sharma, Advocate, for the appellant.
Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Rajesh Bindal J.

The landowner is in appeal before this court against the award of the learned court below seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 1653 days in filing thereof, has also been filed.

Briefly, the facts of the case are that State of Haryana vide notification dated 31.7.1996, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land situated in village Dhakola, Hadbast No. 135 and village Rampur Hadbast No. 155, Sub Tehsil Saha, Teshil and District Ambala for setting up of Growth Centre to develop integrated Industrial Complex. The same was followed by notification dated 30.7.1997, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award no.1 dated 28.7.1999, assessed the market value of different kinds of land, situated in village Dhakola as under:

<u>Kind of land</u>	<u>Rate per acre in ₹</u>
Block 'A' area falling within 2 acres on either sides of Haryana State Highway	2,00,000/-

Chahi/Baag Chahi	1,75,000/-
Barani/Baag Barani	1,50,000/-
Banjar Kadeem/Gair Mumkin	1,00,000/-

For the land, situated in village Rampur, the Collector, vide its award no.2 dated 28.7.1999, assessed the compensation as under:

<u>Kind of land</u>	<u>Rate per acre in ₹</u>
Chahi/Baag Chahi	1,75,000/-
Gair Mumkin Rasta	1,00,000/-

Aggrieved against the awards of the Collector, the land owners filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, assessed the market value of the acquired land @ ₹ 110/- per square yard upto the depth of 2 acres situated on Panchkula-Shahbad Delhi road and ₹ 100/- per square yard for rest of the land. Dissatisfied with the award of the learned court below, the landowner is before this court.

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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 1653 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. 6147/2015

Learned counsel for the landowner submitted that issue raised in the present appeal is squarely covered by the judgment of this Court in RFA No. 2028 of 2011 Kashmir Singh and others vs State of Haryana decided on 25.9.2014, whereby the compensation for the land acquired vide same notification was further enhanced.

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

Accordingly, for the detailed reasons recorded in Kashmir 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. 1653 days.

22.12.2015

vs.

(Rajesh Bindal)
Judge