

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

**CM No. 12542/CI of 2015 in/ and
RFA No. 6152 of 2015 (O&M)
LAC No. 268 of 2003**

Date of decision : 22.12.2015

Hardial Singh and others

.. Appellants

versus

Dharam Vir (deceased) through LR's and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. P. C. Dhiman, Advocate, for the applicants-appellants.

Mr. Dushyant Sarvesh, Advocate for
Mr. Shekhar Verma, Advocate, for U. T. Chandigarh.

Rajesh Bindal, J.

By filing appeal, the landowners are seeking enhancement of compensation for the acquired land. Along with appeal, application seeking condonation of delay of 2230 days in filing thereof has also been filed.

Briefly, the facts are that vide notification dated 28.6.1990 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Chandigarh Administration sought to acquire land situated in the revenue estate of village Manimajra, Pocket no.9, Union Territory, Chandigarh, for residential-cum-commercial scheme no.9 by the Notified Area committee, Manimajra. Notification under Section 6 of the Act was issued on 24.6.1991. The Land Acquisition Collector (for short, 'the Collector') vide award no.479 dated 21.6.1993 assessed the market value of the acquired land @ ₹ 75,000/- per acre for gair mumkin nadi/ nallah and ₹ 2,01,440/- per acre for all other kinds of land. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below determined the market value of the acquired land @ ₹ 4,35,600/- per acre. This award has been impugned in the present appeal by the appellants.

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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 2230 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.

Appeal

Learned counsel for the landowners submitted that the issue raised in the present appeal is squarely covered by judgment of this Court in RFA No. 2016 of 2001 Sadhu Ram and others vs Union Territory, Chandigarh decided on 5.10.2010, whereby the compensation for the land acquired vide same notification was further enhanced.

Learned counsel for U. T. Chandigarh did not dispute the aforesaid factual position.

Accordingly, for the reasons recorded in Sadhu Ram's case (supra), the present appeal is disposed of in the same terms. However, the landowners shall not be entitled to interest for the period of delay in filing the appeal i.e. 2230 days.

22.12.2015
vs

(Rajesh Bindal)
Judge