

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

**CM No. 13139/CI of 2015 in/and
RFA No. 6425 of 2015 (O&M)**

Date of decision : 22.12.2015

Ram Singh .. Applicant-Appellant
versus
State of Haryana and another .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Anil Dutt, Advocate for
Mr. Shashi Kumar Yadav, Advocate, for the appellant.
Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

The landowner is in appeal seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 449 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification 14.8.2008, 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 Kherikalan, Tehsil and District Faridabad for master plan roads of Sectors 75 to 89, Faridabad. The same was followed by notification dated 30.8.2008, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector), vide award no.16 dated 27.8.2010, assessed the compensation @ ₹ 42,00,000/- per acre. Aggrieved against the award of the Collector, the landowner 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 ₹ 1,118/- per square yard. This award has been impugned in the present appeal by the landowner.

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 449 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.

Appeal

Learned counsel for the landowner submitted that the claim made in the present appeal is squarely covered by the judgment of this Court in RFA No. 7108 of 2012 Rampal and others vs Land Acquisition Collector and another, decided on 16.9.2015, whereby compensation for the land acquired vide same notification was assessed @ ₹ 1,870/- per square yard for the land outside the municipal limits and ₹ 2,000/- per square yard for the land within the municipal limits.

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

Accordingly, for the detailed reasons recorded in Rampal'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. 449 days.

22.12.2015
vs

(Rajesh Bindal)
Judge