

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

CM No.14486-CI of 2015 and
RFA No.6908 of 2015 (O&M)
Date of Decision: 24.12.2015

Inder Devi

...Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Amit Mehta, Advocate for
Mr. Onkar Rai, Advocate, for the landowner.
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 4,526 days in filing thereof has also been filed.

Briefly, the facts are that vide notification dated 9.5.1995, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire land measuring 71.45 acres situated within revenue estate of village Sahupura, Tehsil Ballabhgarh, District Faridabad, for development and utilisation thereof as commercial, residential and institutional area for Sector-62, Faridabad. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, the Collector) vide his award assessed the market value of the acquired land @ ₹ 1,50,000/- per acre. Dissatisfied with the award of the Collector, the landowner filed objections. On reference, the learned Additional District Judge, i.e. the court below vide award dated 25.2.2003 determined the market value of the acquired land @ ₹ 290/- per square yard. It is this award which is impugned before this court by the landowner seeking enhancement of compensation.

CM No.14486-CI of 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 of 4,526 days in filing the appeal is condoned. However, for the period of delay, the applicant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal.

CM stands disposed of.

RFA No.6908 of 2015

Learned counsel for the landowner submitted that the claim made in the present appeal is squarely covered by the judgment of Hon'ble the Supreme Court in Special Leave Petition (Civil) No. CC 6343 of 2008, titled as State of Haryana and others v. Ved Pal and others, decided on 13.2.2009, whereby compensation for the acquired land pertaining to village Sahupura assessed by this Court @ ₹ 450/- per square yard in RFA No.2501 of 2001, Ved Pal and others v. State of Haryana and others, decided on 3.5.2006, was upheld.

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

For the detailed reasons recorded in Ved Pal'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. 4,526 days.

(RAJESH BINDAL)
JUDGE

24.12.2015

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