

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

CM No. 14856/CI of 2015 and
RFA No. 7056 of 2015 (O&M)
LAC No. 818 of 2000

Date of decision : 7.12.2015

Hari Singh and others

.. Appellants

vs

Punjab State and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: None for the appellants.

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 7056, 7658 to 7063 of 2015, as the same arise out of common acquisition.

The landowners are in appeal seeking enhancement of compensation for the acquired land. Along with the appeal, application for condonation of 4140 days delay in filing thereof has also been filed.

Briefly, the facts of the case are that the State of Punjab vide notification dated 20.12.1994 issued under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), sought to acquire the land situated within the revenue estates of villages Tikka Patralwan, Bad Sudal, Tikka Sudal, Tikka Karoon, Mothwan, Panjala and Phagli, Tehsil Dhar Kalan, District Gurdaspur, for reservoir area of Ranjit Sagar Dam Project. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') assessed the market value of the acquired land @ ₹ 40,000/- per acre for barani-I/ gair mumkin abadi; 36,000/-per acre for barani-II, ₹ 30,000/- per acre for barani-III, ₹ 15,000/- per acre for banjar qadim, and ₹ 10,000/- per acre for gair mumkin kinds of land. The landowners feeling dissatisfied with the amount of compensation awarded by the Collector, filed objections. The learned Court below vide

award dated 21.2.2004, dismissed the reference filed by the landowners. This award has been impugned in the present set of appeals by the landowners.

No one has appeared for the landowners at the time of hearing.

Delay

After hearing learned counsel for the State 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 4140 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.

Appeals

Learned counsel for the State very fairly submitted that the issue raised in the present set of appeals is squarely covered by judgment of this Court in RFA No. 897 of 1996 Punjab State and others vs Ram Singh and others, decided on 16.9.2015, whereby the award of the learned Court below for the land acquired vide same notification assessing compensation @ ₹ 1,30,000/- per acre for chahi/ gair mumkin abadi, ₹ 1,05,000/- per acre for barani I and barani II, ₹ 63,000/- per acre for barani III, ₹ 31,500/- per acre for banjar jadid and banjar qadim and ₹ 25,000/- per acre for gair mumkin kind of land, was upheld.

Accordingly for the reasons recorded in Ram Singh's case (supra), the present appeals are disposed of in the same terms. However, the landowners shall not be entitled to interest for the period of delay in filing the appeals i.e. 4140 days.

7.12.2015
vs

(Rajesh Bindal)
Judge