

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

**CM No.15842-CI of 2015 and
RFA No. 7446 of 2015 (O&M)
Date of decision : 24.12.2015**

Wazir Singh (deceased) through LRs and others

... Appellants

vs

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Tapan K. Yadav, Advocate, for the appellants.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

The landowners are in appeal seeking enhancement of compensation for the acquired land. Along with appeal, an application seeking condonation of delay of 110 days in filing thereof has also been filed.

Briefly, the facts are that vide notification dated 9.9.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire 380.11 acres of land situated in village Jind, Hadbast No. 79 and 98.89 acres of land situated in village Haibatpur, Hadbast No. 72, Tehsil and District Jind, for development and utilisation thereof as residential, commercial sectors 6 to 9 at Jind. Notification under Section 6 of the Act was issued on 8.9.2003. The Land Acquisition Collector (for short, 'the Collector') vide award no. 6 dated 6.9.2005 awarded compensation for the acquired land of revenue estate of village Jind @ ₹ 10,00,000/- per acre near road upto one acre depth and ₹ 7,00,000/- per acre for the remaining land. Vide award no.7 dated 6.9.2005, the Collector awarded compensation @ ₹ 6,00,000/- per acre for the land near road upto to one acre depth and ₹ 5,50,000/- per acre for the remaining acquired land of village Haibatpur. Dissatisfied with the awards of the Collector, the landowners filed objections, which were referred to the learned court below. The learned reference court determined the market value of the acquired land @ ₹ 8,47,000/- per acre for the land situated

beyond one acre from the road and ₹ 11,02,000/- per acre for the land situated upto one acre depth from the road and for Nehri, Chahi and Gair Mumkin land pertaining to village Jind. For the land pertaining to village Haibatpur, the court below determined the market value of the acquired land @ ₹ 6,78,000/- per acre for the land situated beyond one acre depth from the road and ₹ 8,82,000/- per acre for the land situated upto one acre depth from the Jind-Safidon road and ₹ 8,14,000/- per acre for the land situated upto one acre depth on each side of the Jind-Haibatpur road. Aggrieved against the award of the learned court below, the landowners filed appeal before this Court.

CM No. 15842-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 110 days in filing the appeal is condoned. However, for the period of delay, the applicants 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.7446 of 2015

Learned counsel for the landowners submitted that the claim made in the present appeal is squarely covered by the judgment of this Court in RFA No. 9821 of 2014- Baru and others v. State of Haryana, decided on 30.10.2015, whereby, 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 reasons recorded in Baru'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. 110 days.

24.12.2015

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(Rajesh Bindal)
Judge