

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

**CM No.16159-CI of 2015 and
RFA No.7579 of 2015 (O&M)
Date of decision: 24.12.2015**

Bhimu @ Bhim Singh (deceased) through LRs

..... Appellant

Versus

Punjab State and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Daljeet Singh Kahlon, Advocate for
Ms. Mandeep K. Kahlon, Advocate for the appellant.

Mr. Piyush Bansal, Deputy Advocate General, Punjab.

RAJESH BINDAL, J

The landowner is in appeal before this court against the award of the learned court below seeking enhancement of compensation for the acquired land. Along with the appeal, application seeking condonation of delay of 5,150 days in filing thereof has also been filed.

Briefly, the facts are that vide Notification dated 1.2.1993 published on 3.2.1993, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the land situated in the area of Village Rajpura, Tehsil Pathankot, District Gurdaspur, was sought to be acquired by the State of Punjab for construction of Shahpur Kandi Hydel Channel. Notification under Section 6 of the Act was issued on 17.9.1993. The Land Acquisition Collector (for short, 'the Collector'), vide his award dated 21.12.1995, assessed the market value of the acquired land. Dissatisfied with the award of the Collector, the landowner filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 13.8.2001, dismissed the reference petition. The aforesaid award has been impugned by the landowner in the present appeal seeking further enhancement.

CM No.16159-CI of 2015

After hearing learned counsel for the parties and considering the judgment 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 5,150 days in filing the appeal is condoned. However, for the period of delay, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal.

Civil misc. stands disposed of.

RFA No. 7579 of 2015

Learned counsel for the landowner submitted that the claim made in the present appeal is squarely covered by judgment of this court in RFA No. 4525 of 2001 - Thuru Ram vs State of Punjab and others, decided on 16.3.2009, 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 Thuru Ram'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. 5,150 days.

(RAJESH BINDAL)
JUDGE

24.12.2015

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