

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

CM No.12875-CI of 2014 and
RFA No. 8172 of 2014 (O&M)
Date of decision :15.9.2015

Vinod Kumar

... Appellant

vs

The State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Chanderkant Verma, Advocate for
Mr. Munish Gupta, Advocate, for the landowner.

Mr. Arun Beniwal, Deputy 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 11 years 10 months and 5 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 7.9.1992, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire 486.61 acres of land, situated in village Mewla Maharajpur, Tehsil and District Faridabad for development and utilization thereof as residential, commercial and institutional Sectors 44 and 47 at Faridabad. The same was followed by notification dated 17.9.1993, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') assessed the market value of the acquired land @ ₹ 1,96,800/- per acre. Dissatisfied with the award of the Collector, the land owner filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 21.9.2001, assessed the market value of the acquired land @ ₹ 90/- per square yard. This award has been impugned by the landowner in the present appeal.

CM No.12875-CI of 2014

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 11 years 10 months and 5 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.8172 of 2014

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 Civil Appeal Nos.3279 -3287 of 2013-- Ashrafi and others v. State of Haryana and others, decided on 11.4.2013, whereby, compensation for the land acquired vide same notification was assessed @ ₹ 325/- per square yard.

Learned counsel for the State did not dispute the aforesaid fact.

Accordingly, for the detailed reasons recorded in Ashrafi'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. 11 years 10 months and 5 days.

15.9.2015

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(Rajesh Bindal)

Judge