

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

RFA No. 8637 of 2014 (O&M)

Date of decision :30.10.2015

Varun Kumar

... Appellant

vs

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sandeep Panwar, Advocate for
Mr. P.C. Yadav, ADvocate, for the appellant.

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 1,268 days in filing thereof has also been filed.

Briefly, the facts are that vide notification dated 11.11.2002, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land measuring 82.80 acres situated within the revenue estate of village Kaithal, Tehsil and District Kaithal, for the purpose of development and utilisation thereof as commercial, professional, institutional and green belt adjoining Sectors-19 and 20 Kaithal. The same was followed by notification issued under Section 6 of the Act dated 7.11.2003. The Land Acquisition Collector (for short, "the Collector") vide his award dated 31.10.2005 assessed the market value of the acquired land @ ₹ 5,00,000/- per acre. Dissatisfied with the award of the Collector, the landowner filed objections. On reference, the learned court below vide award dated 3.9.2010 determined market value of the acquired land @ ₹ 200/- per square yard. It is this award which has been impugned by the landowner before this court.

CM No.13753-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 1,268 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.8637 of 2014

Learned counsel for the appellant submitted that the claim made in the present appeal is squarely covered by the judgment of this Court in RFA No. 2218 of 2007- Smt. Maya and others vs State of Haryana and others, decided on 23.1.2012, whereby the compensation for the land acquired vide same notification was assessed @ ₹ 280/- per square yard.

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

Accordingly, for the reasons recorded in Smt. Maya'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. 1,268 days.

30.10.2015

sharmila

(Rajesh Bindal)
Judge