

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

**CM No. 13779/CI of 2014 in/ and
RFA No. 8658 of 2014 (O&M)**

Date of decision : 25.5.2015

Rajinder Singh Saini

.. Appellant

versus

State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Kulvir Narwal, Advocate for
Mr. Amit Shivrain, Advocate, for the applicant-appellant.
Mr. Raj Kumar Makkad, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The landowner is in appeal seeking enhancement of compensation for the acquired land. Along with the appeal, application seeking condonation of 724 days delay in filing the appeal has been filed.

Briefly, the facts are that vide notification dated 1.1.2002 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land situated in village Mauza Para, Tehsil and District Rohtak for development and utilization thereof as residential, transport and communication Sector 6, Rohtak. The same was followed by notification dated 30.12.2002, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 29.12.2004, assessed the market value of the land @ ₹ 4,50,000/- per acre for nehri/chahi kind of land; ₹ 3,50,000/- per acre for gair mumkin banjar kadim, bhood and barani kind of land and ₹ 5,50,000/- per acre for the land near the road upto the depth of one acre. Aggrieved against the award of the Collector, the land owner filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, assessed the market value of the land acquired vide above notification @ ₹ 8,65,435/- per acre. It is against this award that the landowner is before this Court for further enhancement of compensation.

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Learned counsel for the applicant-appellant submitted that the message regarding passing of the impugned award could not reach to the appellant in time. Due to this reason, the appeal could not be filed within the period of limitation. After the applicant-appellant came to know about the award, the present appeal along with the application for condonation of delay in filing thereof, has been filed. He further submitted that 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, has condoned the delay in filing the appeals, however, the interest for the period of delay was not awarded to the landowners. He submitted that delay in filing the appeal before this Court be condoned. The contention is that delay should not come in the way for granting substantial justice and the technicality should give way to substantial justice. The Court should be liberal in condoning the delay.

On the other hand, learned counsel for the State submitted that the reason given by the appellant is frivolous, vague and as such is not sufficient for condoning huge delay in filing the appeal. However, he could not cite any judgment taking a view contrary to the judgments referred to by learned counsel for the appellant.

RFA No. 8658/2014

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. 2250 of 2011, Risal Singh vs State of Haryana and another, decided on 1.9.2014, whereby the compensation was further enhanced.

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

Heard learned counsel for the parties and perused the paper book.

After hearing learned counsel for the parties and considering the judgments of Hon'ble the Supreme Court in Imrat Lal and Dhiraj Singh (D)'s cases (supra), the application for condonation of delay in filing the appeal is allowed. Delay in filing the appeal is condoned, subject to the condition that the appellant shall not be entitled to interest on the enhanced

compensation for the period of delay in filing the appeal.

Accordingly, for the reasons recorded in Risal Singh'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. 724 days.

25.5.2015

vs

(Rajesh Bindal)
Judge