

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

CM No.14312-CI of 2014 and
RFA No.8961 of 2014 (O&M)
Date of decision: 28.8.2015

Dharam Singh and others

..... Appellants

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Amit Kumar Jain, Advocate, for the appellants.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

RAJESH BINDAL, J

By filing the appeal, the landowners are seeking enhancement of compensation for the acquired land. Along with the appeal, an application seeking condonation of delay of 424 days in filing thereof has also been filed.

Briefly, the facts of the case are that vide notification dated 24.8.2009, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire the land situated within the revenue estate of village Malar, Tehsil Safidon, District Jind, for construction of Malar Minor from RD 0 to 15996 tail on-taking at RD 36085 Jind Distributory in village Malar. Notification under Section 6 of the Act was issued on 28.12.2009. The Land Acquisition Collector (for short, 'the Collector') vide award dated 18.6.2010 assessed compensation @ ₹ 8,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 24.12.2012 assessed the market value of the acquired land @ ₹ 10,00,000/- per acre. It is this award which is impugned before this court by the landowners.

CM No. 14312-CI of 2014

Learned counsel for the applicants/appellants submitted that after the decision of the reference by the court below, the applicants-appellants contacted Mr. Parveen Saini, Advocate, to file appeal before this Court, but he did not file the appeal. However, on asking he had informed that appeal had been filed and will be decided in due course. When the applicants/appellants again contacted the counsel in March, 2014, they came to know that their appeal had not been filed. Then immediately, the applicants/appellants engaged the present counsel and filed the appeal. Due to this reason, delay of 424 days has occurred in filing the appeal. 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 applicants/appellants is frivolous and 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 appellants.

RFA No. 8961 of 2014

Learned counsel for the landowners submitted that claim made in the present appeal is squarely covered by the judgment of this Court in R.F.A. No. 4987 of 2013 – Wazir Singh and another vs. State of Haryana, decided on 12.11.2013, whereby, compensation for the land acquired vide same notification was assessed @ ₹ 11,58,000/- per acre.

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 appellants 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 Wazir Singh's case (supra), the appeal filed by the landowners is disposed of in the same terms. However, the landowners shall not be entitled to interest for the period of delay in filing the appeal i.e. 424 days.

(RAJESH BINDAL)
JUDGE

28.8.2015

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