

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

(217)

**RFA No.9092 of 2014 (O&M)
Decided on: August 03, 2015.**

Smt. Sabiha Khan

.... Appellant

Versus

The State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Satinder Singh Sisodia, Advocate, for
Mr. Munfaid Khan, Advocate,
for the appellant.

Mr. Raj Kumar Makkad, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

Since the subject matter of the appeal is covered by a decided case in RFA No.718 of 2004 titled Hari Singh and another Vs. State of Haryana and others decided on 12.02.2014, delay in filing of the appeal is condoned.

The Land Acquisition Collector had awarded a sum of Rs.5,40,000/- per acre for chahi land and gair mumkin plots and Rs.3,60,000/- per acre for gair mumkin land whereas the reference Court has fixed the compensation at Rs.5,40,000/- per acre for all types of land acquired.

The land was acquired vide notification dated 04.04.1988 under Section 4 of the Land Acquisition Act which was finalized by

notification under Section 6 of the Land Acquisition Act dated 06.04.1988 for the public purpose of construction of Master Storm water Drain No.2 upto Najafgarh drain at Gurgaon.

Learned counsel for the parties agreed that for the purpose of determination of compensation, the judgment in *Hari Singh's case (supra)* would cover the controversy in which the market value of the acquired land pursuant to same notification under Section 4 of the Land Acquisition Act dated 04.04.1998 was enhanced to Rs.334.80 P. per square yard alongwith statutory benefits.

Counsel for the appellant submits that in case the RFA is disposed of in the same terms as *Hari Singh's case (supra)* the appellant will be satisfied though there is delay of 3870 days.

This appeal is disposed of following the ratio of judgment of *Hari Singh's case (supra)* holding that the appellant will be entitled to compensation @ Rs.334.80 P. per square yard with all statutory benefits. However, it is made clear that the appellant shall not be entitled to the interest for the period of delay of 3870 days in view of the observation of the Supreme Court in *Imarat Lal and others Vs. Land Acquisition Collector and others, 2015 (1) SCC (Civil) 242*. The respondents are directed to pay the amount of enhanced compensation and other statutory benefits to the appellant within a period of six months from today.

(M.M.S. BEDI)
JUDGE

August 03, 2015
harsha