

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

**CM No. 15549/CI of 2014 and
RFA No. 9660 of 2014 (O&M)**

Date of decision : 24.8.2015

Dharmender .. Applicant-appellant
versus
State of Haryana and another .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Saurabh Garg, Advocate, for the applicant-appellant.
Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The landowner is in appeal seeking enhancement of compensation awarded to her by the learned court below for the acquired land. Along with appeal, application seeking condonation of delay of 1,373 days in filing thereof has also been filed.

Briefly, the facts are that vide notification dated 23.8.2005, issued under Section 4 of the Act, State of Haryana sought to acquire land situated within the revenue estate of village Mundri, Hadbast No. 6, Tehsil and District Kaithal, for construction of BML Hansi Branch-Bhutana Branch Multi Purpose Link Channel from RD 156-262 off taking from RD No. 340300-L Bhakra main line. The same was followed by notification issued under Section 6 of the Act dated 19.9.2005. The Land Acquisition Collector (for short, "the Collector") vide his award dated 31.1.2006 assessed the market value of the acquired land @ ₹ 5,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below determined fair market value of the acquired land @ ₹ 8,00,000/- per acre. The aforesaid award has been impugned by the landowner in the present appeal seeking further enhancement.

CM No. 15549/CI/2014

Learned counsel for the applicant-appellant submitted that this

Court vide order dated 27.7.2015 while admitting the appeal had condoned the delay. 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.

On the other hand, learned counsel for the State submitted that this Court vide order dated 27.7.2015, while condoning the delay had observed that right of the State to contest the claim of the appellant for payment of interest for the period of delay in filing of the appeal is kept open to be considered at the time of final arguments. He further submitted that the reason given by the appellant 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 appellant.

RFA No. 9660/2014

Learned counsel for the appellant submitted that the claim made in the present appeal is squarely covered by judgment of this Court in RFA No. 1714 of 2009 State of Haryana and another vs Pala Ram and others, decided on 1.5.2012, whereby the compensation was determined @ ₹ 9,00,000/- per acre for the acquired land.

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

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), it is directed 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 Pala Ram's cases (supra), the 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. 1,373 days.

24.8.2015
vs

(Rajesh Bindal)
Judge