

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

CM No.15828-CI of 2014 and
RFA No.9824 of 2014 (O&M)
Date of decision: 19.8.2015

Ram Dass

..... Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Kulvir Narwal, Advocate, for
Mr. Amit Sheoran, Advocate, for the landowner.
Mr. Abhinash Jain, Assistant Advocate General, Haryana.
Mr. Abhinandan Pandhi, Advocate, for respondents No.2 and 3.

RAJESH BINDAL, J

By filing the appeal, the landowner is seeking enhancement of compensation for the acquired land.

Briefly, the facts of the case are that vide notification dated 4.1.2002 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') State of Haryana, sought to acquire land situated within the revenue estate of village Para, Tehsil and District Rohtak, for development and utilization thereof as residential transport, communication Sectors-4 and 5, Rohtak. The same was followed by notification dated 31.12.2002 issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide his award dated 29.12.2004 assessed the market value @ ₹ 4,50,000/- per acre for Nehri land; ₹ 3,50,000/- per acre for Gair Mumkin, Banjar Kadim, Bhood and Barani land and ₹ 5,50,000/- per acre for the land near the road upto the depth of one acre. Dissatisfied with the award of the Collector, the landowner filed objections. On reference under Section 18 of the Act, the learned court below determined the market value of the acquired land @ ₹ 8,65,435/- per acre. It is this award which is impugned by the appellant before this court. The appeal is accompanied by an

application seeking condonation of delay of 1,327 days in filing thereof.

CM No. 15828-CI of 2014

Learned counsel for the applicant/appellant submitted that after the passing of the award of the learned reference court, the applicant/appellant along with some other villagers engaged a counsel, namely, Sh. V.G. Dogra, for filing appeals. The counsel told him that his appeal would be admitted and would come up for hearing along with other connected appeals and will take few years for decision. Vide award of the learned reference court, 160 cases were decided and the landowners had engaged different lawyers for filing their appeals. The applicant/appellant remained updated that the appeals have not yet been decided. From Daryao Singh, the other landowner the applicant/appellant came to know that some of the appeals were decided on 1.9.2014. Then the applicant/appellant approached to Sh. V.G. Dogra, Advocate to get the certified copy of the order, but he came to know about his sad demise on 21.5.2011. Thereafter, he contacted the lawyer engaged by Daryao Singh to get the copy of the order. After much efforts, the applicant/appellant came to know on 10.11.2014 that no appeal had been filed on his behalf. Due to this reason, delay has occurred in filing the appeal. Thereafter, the present appeal along with application seeking condonation of 1,327 days 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 respondents submitted that the reason given by the applicant/appellant is frivolous and vague and as such is not sufficient for condoning huge delay in filing the appeal. However, they could not cite any judgment taking a view contrary to the judgments referred to by learned counsel for the appellant.

RFA No. 9824 of 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 respondents 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. 1,327 days.

(RAJESH BINDAL)
JUDGE

19.8.2015

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