

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

**CM No.4894-CI of 2016 in/and
RFA No.1536 of 2016 (O&M)
Date of Decision : 21.09.2016.**

Satnam Singh

Versus

.....Appellant

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Angraze Singh Dhindsa, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM No.4894-CI of 2016

This is an application for condonation of delay of 152 days in filing the accompanying appeal.

Notice in the application.

On the asking of the Court, Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of the respondents.

I have heard learned counsel for the parties and perused the record.

For the reasons set out in the application which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 152 days in filing the accompanying appeal is condoned.

RFA No.1536 of 2016

Learned counsel for the appellant submits that the reference Court, to assess the market value of the acquired land, had relied upon its earlier award dated 5.4.2014 (Dalip Singh etc. Vs. State of Haryana) (Ex.P1), and awarded the same compensation, as was granted to the landowners in the previous proceedings. But as, he submits, in the appeals

preferred by the landowners against the award dated 5.4.2014 (Ex.P1), this Court vide order and judgment dated 26.02.2016, rendered in RFA No.4571 of 2014 (State of Haryana and another Vs. Dalip Singh), has further enhanced the compensation to ₹50,31,370/- per acre, the appellant too is entitled to enhancement in the same terms.

The factual position as set out above, is not disputed by learned State counsel.

Concededly, the reference Court had relied upon its earlier award dated 5.4.2014 (Ex.P1), and had assessed the market value of the acquired land in the same terms as in the earlier acquisition. It is not the case of the State either that despite relevant sale instances or evidence on record, the reference Court choose to rely upon an award (Ex.P1), in fact, State had led no evidence in this regard. So much so, learned Government Pleader conceded before the reference Court that not only the acquired land abutted the land under acquisition in the previous proceedings, but was even potentially similar. Indisputably, in the appeals preferred against the award dated 5.4.2014 (Ex.P1) this Court has enhanced the compensation to ₹ 50,31,370/- per acre. Once that is so, necessarily the appellant too shall be entitled to the enhancement in the same terms.

Accordingly, the appeal is also disposed of in terms of the decision dated 26.02.2016, rendered by this Court in the case of Dalip Singh (supra).

21.09.2016

Manoj Bhutani

Whether speaking/reasoned
Whether reportable:

(ARUN PALLI)
JUDGE

Yes/No
Yes/No