

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RFA No.1811 of 2016 (O&M)

Date of Decision: 09.09.2016

Lal Chand

..Appellant

versus

The State of Haryana through the Land Acquisition Collector, Faridabad

..Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Shiv Kumar, Advocate, for the appellant.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

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ARUN PALLI, J. (ORAL)

CM No.5648-CI of 2016

Allowed, as prayed for.

CM No. 5647-CI of 2016

This is an application for condonation of delay of 2324 days in filing the accompanying appeal.

Learned counsel for the applicant submits that earlier, the reference court, vide its award, dated 12.05.1993, had assessed the market value of the acquired land at Rs.150/- per square yard. However, in appeals preferred by the parties, this court, vide judgment, dated 19.11.2008, rendered in RFA No.1329 of 1995, set aside the said award and remitted the matter for re-decision. The reference court, vide award dated, 06.04.2009, re-decided the matter and awarded compensation at Rs.165/-per sq.yard for the land that abutted the National Highway upto the depth of two

acres and Rs.132/- per square yard for rest of the land. Concededly, the applicant never questioned the award, dated 06.04.2009. But even the appeal preferred by the other land-owners for further enhancement was dismissed by this Court vide the order/judgment, dated 23.2.2012, rendered in RFA No.4873 of 2009. However, in appeal, i.e., Civil Appeal No.11042 of 2014, preferred against the decision rendered by this court, the Hon'ble Supreme Court uniformly enhanced the compensation to Rs.175/- per square yard. And, thus, this appeal. All what has been urged by the learned counsel for the applicant is that the applicant-land owner be also awarded the same compensation as has been granted by the Hon'ble Supreme Court to the other land owners, who were identically situated in circumstance.

Notice in the application

On the asking of the court, Ms. Safia Gupta, Assistant Advocate General, Haryana accepts notice on behalf of the respondent.

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

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

In the wake of the decision of the Hon'ble Supreme Court in Imrat Lal and others v. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 2324 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

For, the learned counsel for the parties are ad idem that the matter in issue is squarely covered by the judgment, dated 10.12.2014 rendered by the Hon'ble Supreme Court in Civil Appeal No.11042 of 2014 titled **Satbir Singh** versus **State of Haryana**, vide which the Hon'ble Supreme Court had uniformly enhanced the compensation to Rs.175/- per square yard, this appeal is also disposed of in terms thereof. However, for the period of delay, i.e., 2324 days, the appellant shall not be entitled to interest on the enhanced compensation.

09.09.2016
VK

(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No