

Regular First Appeal No.2247 of 2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RFA No.2247 of 2016 (O&M)

Date of Decision: 06.09.2016

Mani Ram (deceased) through his LRs and another ..Appellants

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 appellants.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana

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ARUN PALLI, J. (ORAL)

CM No.6707-CI of 2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, delay of 08 days that has occurred in refiling the accompanying appeal is condoned.

CM No. 6708-CI of 2016

This is an application for condonation of delay of 2306 days in filing the accompanying appeal.

Learned counsel for the applicants 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,

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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. The applicants never questioned the award, dated 06.04.2009. But the appeals preferred by the other land-owners for further enhancement were dismissed by this Court vide the order/judgment, dated 23.2.2012, rendered in RFA No.4873 of 2009. However, in appeals, preferred against the decision rendered by this court, i.e., Civil Appeal No.11042 of 2014, the Hon'ble Supreme Court enhanced the compensation to Rs.175/- per square yard unilaterally.

Notice in the application

On the asking of the court, Mr. Shivendra Swaroop, 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 2306 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM No. 6709-CI of 2016

For the reason set out in the application, which is duly

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supported by an affidavit, the same is allowed, subject to all just exceptions. Consequently, leave is granted to the applicants-legal heirs of late Mani Ram son of Shri Devi, who is stated to have passed away, prior to passing of the award by the reference court, on 04.09.2004, as depicted in paragraph 2 of the application, to institute and maintain the accompanying appeal. However, it is clarified that this order shall have no bearing if any dispute, qua the alleged will, referred to in paragraph 2 of the application, is pending before any court.

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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 unilaterally enhanced the compensation to Rs.175/- per square yard, this appeal is also disposed of in terms thereof.

06.09.2016
VK

(ARUN PALLI)
JUDGE

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