

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

**Date of Decision : 07.09.2017
RFA No.3388 of 2016 (O&M)**

Upinder Singh and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

2

RFA No.3389 of 2016 (O&M)

Harjinder Singh (deceased) through LRs and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

3

RFA No.2223 of 2016 (O&M)

Hakam Singh and others

.....Appellants

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

**Present : Mr. G.S.Punia, Sr. Advocate with
Ms. Harveen Kaur, Advocate for the appellants.**

Ms. Safia Gupta, AAG, Haryana.

ARUN PALLI, J. (Oral)

CM Nos. 9367 and 9371-CI-2016 in RFA Nos. 3388 and 3389 of 2016

Allowed as prayed for.

CM-9369-CI-2016 in RFA-3388-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed, subject to all just exceptions. Accordingly, legal representatives of late Kirpal Singh who is stated to have died on 23.09.1992 as depicted in paragraph 2 of the application are brought on record for the purpose of pursuing the present appeal only.

CM-9373-CI-2016 in RFA-3389-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed, subject to all just exceptions. Accordingly, legal representatives of late Harjinder Singh who is stated to have died on 13.11.2008 as depicted in paragraph 2 of the application are brought on record for the purpose of pursuing the present appeal only.

CM Nos. 9370, 9374, 6648-CI of 2016 in RFA Nos. 3388, 3389 and 2223 of 2016

These are applications under Order 41 Rule 27 of the Code of Civil Procedure.

Notice in the applications.

Ms. Safia Gupta, AAG, Haryana, present in Court, accepts notice on behalf of respondent No.1.

For, the prayer made in the applications is not opposed, the

same are allowed. Consequently, the documents Annexure A1 to A-4 (colly) are taken on record.

CM Nos. 2090 to 2092-CI of 2017 in RFA Nos. 3388, 3389 and 2223 of 2016

Applications are allowed as prayed for and additional affidavit along with documents are taken on record.

CM Nos. 9368, 9372 and 6647-CI of 2016 in RFA Nos. 3388, 3389 and 2223 of 2016

These are applications seeking condonation of delay of 11114 and 11077 days respectively in filing the accompanying appeals. Notice of the applications was issued to the non-applicant/respondents and replies thereto have been filed.

The facts that are required to be noticed are limited.

Vide impugned award dated 30.10.1985, claim of the applicants under Section 18 of the Land Acquisition Act 1894 (for short 'the Act') was declined by the reference Court. However, they were held entitled to all the statutory benefits as admissible in law. An appeal filed by one of the claimant/landowner i.e. **RFA No.572 of 1986 (Surinder Paul Vs. State of Haryana)** against the impugned award was dismissed by this Court on 24.08.1988. Subsequently, another appeal i.e. **RFA No.71 of 1987 (Hakim Singh Vs. State of Haryana)**, though against a separate award but arising out of the same acquisition, was dismissed by this Court on 3.11.1988, in terms of its decision in RFA No.572 of 1986. For, in **RFA No.1459 of 1992 (The State of Haryana Vs. Gurudwara Manji Sahib)**, decided on 19.08.2010, this Court enhanced the compensation

awarded to the co-landowners to ₹250/- square yard, Civil Miscellaneous Application Nos.9466-67-CI of 2013, seeking recalling of the order dated 03.11.1988 was moved by the claimants in RFA No.71 of 1987. However, vide order dated 30.08.2013 (Annexure A-5), the said application was dismissed, for, it was moved after almost 25 years. As a result the claimants/landowners filed special leave petitions before the Supreme Court i.e. SLP(C) Nos.16016-16017 of 2014, against the judgment dated 03.11.1988 in RFA No.71 of 1987, as also against the order dated 30.08.2013, vide which, this Court had dismissed the review application. And as the SLPs preferred by the claimant/landowners were barred by **9077 days**, applications seeking condonation of delay were also moved therewith. For, the co-landowners had been granted enhancement @ ₹250/- per square yard by this Court and the claimants gave up their claims qua interest for the period of delay in filing the SLPs, the Supreme Court, vide order dated 12.02.2016 (Annexure A-4), being extracted here-in-after, condoned the delay. Accordingly, the appeals were allowed and the claimant/landowners were held entitled to compensation at the same rate as awarded by this Court in **RFA No.426 of 1994 (Kashmiri Lal and others Vs. State of Haryana and another)**, decided on 22.02.2010.

“A fair stand has been taken on behalf of the appellants that on account of huge delay which we have condoned, the appellants will give up their claim for interest for the entire period of delay. In that view of the matter, we allow these appeals by substituting the rate of compensation

granted to the appellants for the acquired land with the rate of compensation granted in the case of Kashmiri Lal and others Vs. State of Haryana and another by the Punjab and Haryana High Court in RFA No.426 of 1994 decided on 22.02.2010”

Besides the decisions rendered by this Court in **Kashmiri Lal and others and Gurudwara Manji Sahib (supra)**, learned Senior counsel for the applicants also referred to another order dated 09.05.2012, in **RFA No.2016 of 1988 (Hakam Singh Vs. State of Haryana)**, arising out of the same acquisition, wherein also this Court had assessed the acquired land at ₹250/- per square yard. Thus, he fairly submits that although the explanation rendered in the application hardly constitute any sufficient cause, but it is also true that in the appeals arising out of the same acquisition, this Court awarded compensation to the co-landowners, at ₹250/- per square yard. Further, even the Supreme Court condoned the delay of 9077 days in filing the SLPs, arising out of the same acquisition, for, in **Kashmiri Lal and others (supra)**, this Court had enhanced the compensation to ₹250/- per square yard. Therefore, he submits that let the applicants be denied interest for the period of delay in filing these appeals but they too be awarded compensation at Rs. 250/- per square yard.

The factual position as set out above, is not disputed by learned State counsel. Nothing was referred to either, particularly in the wake of the factual matrix sketched out above, to show that even after

denying interest to the claimant/landowners for the period of delay, they shall not be entitled to the same compensation as awarded to their co-landowners.

Accordingly, in the wake of the decision of the Supreme Court in **Hakam Singh and others (supra)**, and **Samiyathal and other Vs. Special Tehsildar and others, 2015(2) RCR (Civil) 441**, **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 11114 and 11077 days, respectively, in filing the accompanying appeals is condoned. However, to balance the equities, for the period of delay in filing these appeals, the applicants shall not be entitled to any interest on the enhanced compensation.

Main cases

For, learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by an order and judgment dated 22.02.2010, rendered by this Court in RFA No.426 of 1994 (Kashmiri Lal and others Vs. State of Haryana and another) and other connected matters, the present appeals too are disposed of in terms thereof.

Needless to assert that the appellants shall also be entitled to all the statutory benefits as admissible in law.

07.09.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

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