

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-3878-2016 (O&M)

Date of Decision: February 28, 2017

Malinderjit Singh and others

...Appellants

Versus

Land Acquisition Collector-cum-Sub Divisional Magistrate, Faridkot and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. S.K. Arora, Advocate, for the appellants.

ARUN PALLI, J. (ORAL)

CM-10710-CI-2016:

This is an application for condonation of delay of 770 days in filing the appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgement dated 27.02.2016, rendered by this Court in **RFA No. 6744 of 2014**, titled "**Gurajaib Singh and others v. State of Punjab and others**", and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners, uniformly, to Rs.18,65,470/- per acre. Learned counsel for the applicants points out that although, the landowners were held entitled to 30% of the market value of the acquired land, on account of severance charges, but the applicants, herein, shall not be entitled to any compensation, on that account, as they had made no such claim before the Reference Court.

Notice.

On the asking of the Court, Mr. K.K. Gupta, Additional

Advocate General, Punjab, present in the Court, accepts notice on behalf of

respondent Nos. 1 to 3. For, respondent No. 4 is a proforma party, her service is dispensed with.

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

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

In the wake of the decision of Hon'ble the Supreme Court in **Imrat Lal and others v. Land Acquisition Collector and others, 2015 (2) R.C.R. (Civil) 437** and **Dhiraj Singh (D) Tr. LRs v. Haryana State and others, 2015 (2) R.C.R. (Civil) 507**, delay of 770 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant/appellants shall not be entitled to interest on the enhanced compensation.

Civil miscellaneous application stands disposed of.

RFA No. 3878 of 2016

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by this court in **Gurajaib Singh's case (Supra)**, the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e.770 days.

A copy of this order be sent to the Reference/Executing Court.

(ARUN PALLI)
JUDGE

February 28, 2017

P Kapoor

Whether Speaking/Reasoned:

YES / NO

Whether Reportable:

YES / NO