

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

**RFA No.7216 of 2014 (O&M)
Date of Decision:27.04.2018**

Gian Chand and others ...Appellants
Versus
State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. P.C. Yadav, Advocate
for the appellants.

Ms. Safia Gupta, AAG, Haryana.

G.S. SANDHAWALIA, J. (ORAL)

CM-11217-CI of 2014

Application for condonation of delay of 488 days in filing the present appeal has been filed.

Though the application, as such, does not contain sufficient cause but the fact remains that keeping in view the judgments of the Apex Court in **Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437** and **Dhiraj Singh (deceased) through LRs Vs. Haryana State & others 2015 (2) RCR (Civil) 507**, that equities could be balanced by denying the interest on the enhanced compensation for the period of delay in filing the appeal. The present application is thus liable to be allowed.

Accordingly, the present application is allowed, with the condition that for the period of delay of 488 days in filing the appeal, the applicants-appellants shall not be entitled for any interest on the amount of enhanced compensation.

Main case:

The present appeal is directed against the award dated 23.10.2012 whereby sum of Rs.460/- per square yard has been assessed as the market value of the acquired land vide notification dated 04.05.1995 under Section 4 of the Land Acquisition Act (in short 'the Act') for village Nada. The Reference Court has relied upon the award dated 31.01.2012 (Ex.PX) titled as “**Tarlochan Singh Vs. State of Haryana**” whereby the value had been assessed for the said village at the above said rate to decide the reference petition.

This Court in RFA No.3506 of 2009 “**Lokinder Singh and others Vs. State of Haryana and others**” decided on 06.04.2018 while dealing with the land falling in villages Nada, Jhuriwala and Bana Madanpur for which compensation was assessed @ Rs.746/- per square yard, has dismissed the appeals, of the State and the landowners whereas for village Nada, appeals have been allowed and uniform compensation has also been granted for the landowners of the said village and market value for village Nada has also been assessed @ Rs.746/- per square yard. The relevant portion reads as under:

“Resultantly, it can be safely held that the landowners have been granted adequate compensation for the land of village Jhuriwala and Bana Madanpur and the State is not justified that the same should be brought down at par of village Nada, keeping in view the better potentiality of the land in question which had increased manifold over and above the earlier land acquired in the year 1989 due the construction of the second bridge over the river. The cut of 50% is, accordingly, justified in the facts and circumstances as development cost had to be incurred by HUDA. Therefore, the reduction is not feasible. Similarly, once the land was contiguous and similar of village Nada and acquired for the same purpose and had the benefit of abutting the National Highway No.73, but the landowners could not be granted the the lesser compensation as has been awarded by the

second Reference Court.

*It is also pertinent to notice that for village Jhuriwala, Bana Madanpur, Devi Nagar, 64.5 acres of land, vide notification dated 11.07.1995, was sought to be acquired for construction of roads between Sector 3 and 21, 24 and 25, which are subject matter of challenge by the land owners in **RFA No.3788 of 2013** titled '**Purujit Singh Vs. State of Haryana & another**'. The Reference Court in the said case has also granted the uniform compensation @ Rs.746 per square yard by placing reliance upon the impugned award dated 20.04.2009. The notification is, thus, only 2 months apart, but the State has chosen not to file any appeals qua the said notification before this Court. It is hard to digest for this Court the fact that the landowners of the same village Bana Madanpur and Jhuriwala would be entitled for different compensation for acquisition of their lands when the purpose is only for the development of the infrastructure as such of the said sectors and the State being satisfied against the said amount cannot as such claim reduction on this ground also.*

*The argument raised by the State counsel that further cut should be imposed is also without any substance as there can be no double imposition of cut as the Apex Court has already granted the requisite reduction on account of development charges, in **Umesh Gupta** (supra).*

Accordingly, the appeals filed by the landowners for Villages Jhuriwala, Madanpur are dismissed along with the appeals filed by the State. However, the appeals filed by the landowners of Village Nada are accepted and they are held entitled for compensation at the same rate of Rs.746/- per sq.yards, along with all statutory benefits and the award dated 31.01.2012, is accordingly, modified to that extent."

Accordingly, in such circumstances, the present appeal is also allowed by fixing the market value for village Nada @ Rs.746/ - per square yard with all statutory benefits.

27.04.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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