

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

**RFA No.1009 of 2018 (O&M)
Date of Decision:06.04.2018**

Angrej Singh (deceased) through his LRsAppellants
Versus
State of Haryana and others ...Respondents

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

Present: Mr. Navmohit Singh, Advocate
for the appellants.

G.S. SANDHAWALIA, J. (ORAL)

CM-2666-CI-2018

Application for exemption from filing the certified copy and photo copy of impugned judgment, is allowed, subject to just all exceptions.

CM-2665-CI-2018

Application has been filed for bringing on record the legal heirs of deceased appellant Sh. Angrej Singh. It is averred that the said appellant expired on 13.01.2011, during the pendency of reference petition, leaving behind his legal heirs mentioned in para No.2 of the application, who are stated to be the only legal heirs of the deceased.

Accordingly, in view of the averments made in the application, duly supported by affidavit of Gurnam Kaur widow of deceased appellant, same is allowed subject to all just exceptions. Legal heirs as mentioned in the application are brought on record and permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-2663-CI-2018

Application is allowed, as prayed for, delay of 110 days in refilling is condoned.

CM stands disposed of.

CM-2662-CI-2018

Application under Section 151 CPC has been filed for listing the appeal in urgent as the matter is covered by the judgment of the Apex Court in **Civil Appeal Nos.13132-13141 of 2017 'Manoj Kumar and others Vs. State of Haryana and others'** decided on 13.09.2017 (Annexure A-1), wherein for the notification dated 30.05.2005, the market value of the land had been assessed @ ₹95 lakhs per acre.

Accordingly, keeping in view of the averments made in the application and in view of the fact that matter is covered by the said judgment, the same is allowed.

CM stands disposed of.

CM-2664-CI-2018

Application under Section 5 of the Limitation Act for condonation of delay of 1272 days in filing the present appeal has been filed.

Notice of the application.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of the respondents-State. Copy has been supplied to him.

Accordingly, keeping in view the averments made in the application and in view of the fact that the interest of the State can be protected by denying the appellant the benefit of interest for 1272 days in view of the law laid down by the Apex Court in **'Imrat Lal and others Vs.**

Land Acquisition Collector and others' 2014 (14) SCC 133 and in 'Dhiraj Singh (D) through LR. and others Vs. Haryana State and others' 2015 (1) SCC (Civil) 236, the application is allowed.

The delay of 1272 days in filing the appeal is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

The Land Acquisition Collector had awarded compensation @ ₹24 lakh per acre for the prime land, ₹20 lakhs per acre for the area within municipal limits and ₹10 lakhs per acre for the remaining land. The Reference Court vide Award dated 10.02.2014 fixed the market value @ ₹1,560/- per square meter at a uniform rate, which was initially enhanced by this Court @ ₹3,610/- per square meter in **RFA No.3860 of 2014 'Ajmer Singh and others Vs. State of Haryana and others'** decided on 24.02.2016, which would taken the market value to ₹1,46,09,000/- per acre. The said amount has now been modified in the case of **Manoj Kumar (supra)** to ₹95 lakhs per acre, which would be apparent from as under:

“32. Even if we calculate compensation by adding between 12 to 13% flat increase, taking base price at Rs.1560/- granted in the case of Swaran Singh in the facts of the case, the price would come approximately to Rs.1.10 crores per acre. Further deduction in addition to deduction made in Swaran Singh's case (supra) is required to be made towards development, it would be appropriate to deduct further amount of Rs.15 lakhs. Thus the compensation that we award comes to Rs.95 lakhs per acre, not Rs.1,46,09,000/- as determined by the High Court. Approximation of compensation, when made on comparable sale method, would by and large be similar. We reduce the amount awarded by the High Court. Thus, we deem

it appropriate to award the amount @ Rs.95 lakhs per acre along with statutory benefits.”

Accordingly, the present appeal is allowed in the same terms.

It is, however, made clear that the appellant shall not be entitled for interest on the enhanced compensation for the delay period of 1272 days.

06.04.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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