

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

RFA No.2082 of 2018 (O&M)

Subhash Aggarwal and others

... Appellants

Versus

State of Haryana and others

... Respondents

(2)

RFA No.2084 of 2018

Sumit Kumar Aggarwal

... Appellant

Versus

State of Haryana and others

... Respondents

Decided on : 31.08.2018

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

Present : Ms. Meenakshi Sharma, Advocate
for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalialia, J. (Oral)

Delay applications

Applications for condoning the delay of 3644 days in filing the appeals have been filed against the Award dated 17.10.2007 passed by the Reference Court, Rohtak.

The ground taken for the condonation of delay of over a decade is that appellants had gone to another State for their livelihood and, therefore, they did not even have the knowledge of passing of the Award of the Reference Court.

Counsel for the appellants/landowners has also submitted that the matter is now covered in view of the judgment passed in **RFA No.3491 of 2013 'Smt. Indirawati @ Indira Devi and others Vs. State of Haryana through Collector, Rohtak and others'** decided on 26.04.2017. It is further pointed out that **SLP (Civil) No.7869 of 2018 'Raj Singh (dead) by LRs and others Vs. State of Haryana and others'** has also been dismissed on 13.04.2018, which was preferred by the landowners.

Counsel for the State has opposed the applications, though no reply has been filed.

In the absence of the reply, the averments made in the applications that the appellants had gone to some other State is a sufficient cause as such and cannot be discarded at the asking. Even a perusal of the certified copy would go on to show that as per the averments made certified copy was only applied in the year 2015 when the appellants are stated to have come back to their village.

The interest of the State can be protected by denying the appellants the benefit of interest for 3644 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 LRs. and others Vs. Haryana State and others'** 2015 (1) SCC (Civil) 236.

The judgment passed in **'Basawaraj and another Vs. Special Land Acquisition Officer'** 2013 (14) SCC 81 referred to by the

State counsel is prior in time to the above said judgments of **Imrat Lal and Dhiraj Singh (supra)**. Therefore, keeping in view the principles laid down by the Apex Court in '**Narender and others Vs. State of Uttar Pradesh and others**' 2017 (9) SCC 426, this Court prefers to follow the later, as such, which has held that the land acquisition matters are not an adversial form of litigation as such and sufficient cause has thus been made out to condone the delay.

Accordingly, the delay of 3644 days in filing the appeals is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CMs stand disposed of.

Main appeals

The Reference Court has granted a sum of ₹7,87,000/- per acre alongwith statutory benefits for the land falling in village Ismaila-9 Biswa, Tehsil & District Rohtak.

This Court in **Smt. Indirawati (supra)** has enhanced the compensation to ₹11,64,375/- per acre while recording as under:-

“In conspectus of the above:-

(a) the claimants/landowners whose land formed part of the revenue estate of village Kharawar shall be entitled to compensation @ ₹15,52,500/- per acre;

(b) those whose land was situated in village Gandhra shall be entitled to compensation @ ₹12,42,000/- per acre;

(c) the land owners whose land formed part of the revenue estate of village Ismaila-11 biswa and Ismaila-9 biswa shall be awarded compensation @ ₹11,64,375/- per acre; and,

(d) those whose land was situated in village Sampla,

Kheri Sampla and Garhi Sampla shall be awarded compensation @ ₹7,76,250/- per acre.

All the appeals preferred by the claimants as also the cross-objections are disposed of in the above terms. And, as a necessary consequence, the appeals filed by the State are dismissed. The award(s) rendered by the reference Court are modified accordingly. Needless to assert that claimants shall also be entitled to all the statutory benefits as admissible in law.”

Resultantly, the present appeals are also allowed in the same terms. However, it is clarified that the appellants shall not be entitled for interest on the enhanced compensation for the delay period of 3644 days in filing the appeal.

AUGUST 31, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No