

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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R.F.A No. 2171 of 2018 (O&M)
Date of decision: 30.07.2018

Jagdish & Ors. ... Appellants

Vs.

State of Haryana ...Respondents

<i>Appeal Nos.</i>	<i>Filed by</i>
RFA Nos. 2171, 2364, 2365 and 2366 of 2018	Landowners

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

Present: Mr. Sunil Kumar Bhardwaj, Advocate, for the appellant(s).
Mr. Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

Delay Applications (re-filing)

Applications have been filed for condoning the delay ranging from 1424-1800 days, in re-filing the appeals.

Applications have been opposed on the ground that the appeals are hopelessly time barred. It is however admitted that *RFA No. 4310 of 2014 “Bhag Chand & Ors. Vs. State of Haryana”*, decided vide order dated 23.04.2016.

Keeping in view of the averments made showing the sufficient cause and that there was a bunch of cases as such and files have been misplaced, the applications duly supported by an affidavit of the counsel, the delay ranging from 1424-1800 days in refiling the present appeals, is hereby condoned.

C.Ms stand disposed of.

Delay Applications (filing)

Applications have been filed for condoning the delay ranging from 59-542 days, in filing the appeals, which are against the award dated 02.01.2012 of Reference Court, Jind, have been filed.

The applications have been opposed by the State counsel by filing the replies.

In view of the averments made showing sufficient cause explaining for the delay duly supported by affidavits, the delay ranging from 59-542 days in filing the present appeals, is hereby condoned conditionally in view of the law laid down in **Imrat Lal & Ors. Vs. Land Acquisition Collector & Ors.** 2015(2) RCR (Civil) 437. Appellants shall not be entitled for the interest for a period of 542 days in filing the appeal in RFA No. 2171 of 2018.

CMs stand disposed of.

Main Appeals

Present appeals have been filed under Section 54 of the Land Acquisition Act, 1894 against the award of Reference Court, Jind, dated 02.01.2012 whereby a sum of Rs.3 lakhs per acre has been given for Nehari Land and Rs.15,000/- each for the tubewell installed in the acquired land.

This Court in ***RFA No.2176 of 2012***, titled as **Rajinder Vs. State of Haryana**, which was followed in ***RFA No. 4310 of 2014 “Bhag Chand & Ors. Vs. State of Haryana ”*** in the notification in question dated 21.11.1997 has enhanced the market value to Rs.3,78,467/- per acre and also 40% for the value towards severance charges and Rs.1,50,000/- each for each tubewell.

The relevant portion of the order reads as under:-

“ *Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons afore-mentioned, this*

Court is of the considered view that the appeals filed by the land owners deserve to be party accepted and the same are hereby allowed to the extent indicated above. The land owners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.3,78,467/- per acre, from the date of notification under Section 4 of the Act. The land owners shall also be entitled for 40% of the abovesaid market value towards severance charges. They shall be entitled for an amount of Rs.1,50,000/- for each tubewell. Besides this the land owners shall be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.”

Accordingly, the afore-mentioned appeals are also disposed of in the same terms. Land-owners are entitled to the enhanced compensation subject to the verification of the amounts towards severance and tubewell in the lands in dispute. However, it is made clear that the interest for the delayed period of 542 days to the appellants landowners in RFA No. 2171 of 2018 will be denied whereas in the other appeals, appellants will be entitled for the statutory benefits of interest on the enhanced compensation.

July 30, 2018
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No