

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-:-

R.F.A No. 2382 of 2018 (O&M)

Date of decision: 30.07.2018

Rishi Lal (deceased) through LR.

... Petitioner

Vs.

State of Haryana & Ors.

...Respondents

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

Present: Mr. Sunil Kumar Bhardwaj, Advocate, for the appellant.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M No. 5130-CI of 2018

Inspite of having been issued notice in the application of delay on 23.05.2018, reply has not been filed.

In the wake of the decision of Hon'ble Supreme Court in **Imrat Lal & Ors. Vs. Land Acquisition Collector & Ors.,** 2015(2) RCR (Civil) 437 and **Dhiraj Singh (D) Tr. LRs. Vs. Haryana State and Ors.,** 2015(2) RCR (Civil) 507, and to maintain parity, the delay of 2230 days in filing the accompanying appeal is condoned.

However, it is clarified that the applicants/appellants shall not be entitled to any interest on the enhanced compensation for the period of delay in filing the appeal i.e. 2230 days.

CM stands disposed of.

R.F.A No. 2382 of 2018

Present appeal is directed against the award of Reference Court, dated 02.01.2012 passed by the Addl. District Judge, Jind, 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”*** for 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/- for each tubewell.

The relevant portion 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 partly 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 appeal is disposed of in the same terms. Land-owner is entitled to the enhanced compensation subject to the verification of the amounts towards severance and tubewell in the land in dispute. However, it is made clear the appellant shall not be entitled for the interest on the enhanced amount for the period of 2230 days.

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

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