

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

**RFA No.2497 of 2018 (O&M)
Decided on : 31.07.2018**

Subhash and others

... Appellants

Versus

Haryana State and others

... Respondents

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

Present : Ms. Manpreet Kaur, Advocate for
Mr. Chanderhas Yadav, Advocate for the appellants.

G.S. Sandhawalia, J. (Oral)

Exemption application

Allowed as prayed for.

CM stands disposed of.

Application for condonation in re-filing

Application for condonation of delay of 901 days in re-filing
the appeal has been filed.

In view of the averments made in the application, duly
supported by affidavit of the counsel, the same is allowed. The delay of 901
days in re-filing the appeal is condoned.

CM stands disposed of.

Application for condonation in filing

Application for condonation of delay of 334 days in filing the
appeal has been filed.

Notice in the application.

Ms. Vibha Tewari, AAG, Haryana accepts notice on behalf of

respondent-State. Copy has been supplied to her.

In view of the averments made in the application, duly supported by affidavit, sufficient cause as such has been made out for condoning the delay. Accordingly, the application is allowed. The delay of 334 days in filing the appeal is condoned.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') arises out of the Award dated 14.03.2014 passed by the Reference Court, Hisar. The market value has been enhanced to ₹6,50,000/- per acre by the Reference Court from ₹5 lakhs per acre, which had been granted by the Land Acquisition Collector, qua the notification dated 17.03.2006 issued under Section 4 of the Act pertaining to the land falling in village Alipur.

Counsel for the appellants has pointed out that in **RFA No.10600 of 2014 'Zile Singh and others Vs. State of Haryana and others'** decided on 15.09.2015, the same notification was subject matter of consideration, wherein the amount was enhanced to ₹7,50,000/- per acre. The relevant portion of the said order reads as under:-

“13. The aforesaid policy letters, in my opinion, can be considered as a piece of evidence showing the value of the land. Considering the fact that the award in the present case was announced on 10.1.2007 and the fact that the State itself had granted increase @ 30% per annum for the time gap of two years in the policies, referred to above, at the same rate the landowners in the present case deserve to be granted proportionate increase.

Taking into account the aforesaid facts, as the award in the present case was announced by the Collector on 10.1.2007, the landowners in the present case deserve to be granted compensation @ ₹ 7,50,000/- per acre. Accordingly, the value of the acquired land is determined @ ₹ 7,50,000/- per acre. The landowners shall also be entitled to all the statutory benefits available under the Act.”

Counsel for the State is not in a position to controvert the said fact.

Accordingly, the present appeal is also allowed in the above said terms. The land owners are held entitled for the compensation @ ₹7,50,000/-per acre along with all other statutory benefits.

JULY 31, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No