

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RFA No.3229 of 2018 (O&M)  
Decided on : 14.11.2018

Shakuntla (since deceased) th. LRs & others

... Appellants

Versus

State of Haryana & others

... Respondents

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

Present : Mr.Chanderhas Yadav, Advocate, for the appellants.

Mr.Shivendra Swaroop. AAG, Haryana.

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**G.S. Sandhawalia, J. (Oral)**

**CM-7083-CI-2018**

Application has been filed for condoning the delay of 2131 days in filing the present appeal.

Counsel for the applicant/appellants submits that the matter is covered by the judgment of the Apex Court in CA-19354-2017 titled *Rajender Singh & others Vs. State of Haryana & others*, decided on 17.11.2017.

This aspect could not be denied by the State Counsel.

Accordingly, in view of the averments made in the application, duly supported by affidavit and in view of the fact that the interest of the respondents can be protected, the delay of 2131 days in filing the appeal is, hereby condoned conditionally, keeping in view the judgments of the Apex Court in **Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437** and **Dhiraj Singh (D) Th. LRs. Vs. Haryana State & others 2015 (2) RCR (Civil) 507**. However, the appellants shall not be entitled for the interest

element, for the said period of delay.

CM stands disposed of.

RFA-3229-2018

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894 (for short, the 'Act'), is directed against the award dated 14.03.2012, passed by the Reference Court, Jhajjar, whereby for the land falling in Village Balore, acquired vide notification under Section 4 dated 17.04.2002, for development of residential sectors, a sum of Rs.4,50,000/- per acre for Chahi/Nehri and Rs.3,50,000/- per acre for Barani, Gair Mumkin etc. has been awarded.

This Court in RFA-1626-2011 titled *Puran Chand Wadhwa (deceased) th. LRs Vs. Land Acquisition Collector & another*, decided on 31.08.2015, enhanced the compensation to Rs.10,00,000/- per acre. The Apex Court in Rajinder Singh's case (supra) has further enhanced the amount as under:

“In the peculiar facts and circumstances of the cases, and considering the aforesaid evidence making deduction for development, it would be appropriate to award compensation of Rs.15,00,000/- per acre for other villages i.e. Bir Barkatbad, Balore and Sarai Aurangabad alongwith statutory benefits. Thus we enhance the compensation for Bahadurgarh from Rs.13,00,000/- per acre to Rs.20,00,000/- per acre and for other villages i.e. Bir Barkatbad, Balore and Sarai Aurangabad from Rs.10,00,000/- per acre to Rs.15,00,000/- per acre.

Appeals are allowed to the aforesaid extent. Payment be made as expeditiously as possible preferably within six months.”

Resultantly, keeping in view the above facts and to maintain parity, the present appeal is also allowed, in the above-said terms of the judgment of the Apex Court in Rajinder Singh's case (supra). However, it is made clear that on account of the delay of 2131 days in filing the present appeal, the appellants shall not be entitled for the interest element for the said period.

**November 14<sup>th</sup>, 2018**  
*sailesh*

**(G.S.SANDHAWALIA)**  
**JUDGE**

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|-----------------------------------|---------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes/No</i> |
| <i>Whether Reportable:</i>        | <i>Yes/No</i> |