

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

-:-

**C.M No. 7264-7266-CI of 2018 in/and
RFA No. 3297 of 2018
Date of decision: 03.08.2018**

Uday Pal (Since deceased) LRs & Anr.

... Appellants

Vs.

State of Haryana & Ors.

...Respondents

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

Present: Ms. Shelja Sharma, Advocate, for
Mr. Rajesh Lamba, Advocate, for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M No. 7266-CI of 2018

Application for bringing on record the LRs of deceased-appellant No.1 – Uday Pal, who expired on 21.05.2015 has been preferred. It has been averred that legal representatives mentioned in paragraph – 2 of the application are the only legal heirs of the deceased.

Accordingly, in view of the averments made in the application, duly supported by an affidavit of Sanjay son of the deceased-appellant No.1, same is allowed subject to just exceptions, only for the purpose of pursuing the present appeal and not in any other set of proceedings.

Application stands disposed of.

C.M No. 7265-CI of 2018

Application for condonation of delay of 2101 days has been filed along with application No. 7264-CI of 2017 to contend that the matter

is covered in view of the judgment passed in RFA No. 5476 of 2018, decided on 01.03.2018.

Counsel for the State has been put to notice regarding this aspect and the said factum has been confirmed that the amount of compensation which had been fixed @Rs.707/- per square yard by the Reference Court vide a award dated 31.07.2012 for village Sotai was enhanced to Rs.1230/- per sq.yard (Rs.59,53,200 per acre) in RFA No. 2075 of 2012 titled as 'Sohan Lal & Anr. Vs. State of Haryana & ors., which was the lead case.

Counsel for the appellant has also brought to the notice of this Court that Special Leave Petition had been preferred by Sohan Lal has been dismissed on 17.08.2015 by the Apex Court.

Accordingly, keeping in view the above, the application for condonation of delay is allowed with a condition that the appellants shall not entitled to the benefit of interest on the enhanced compensation for the period of delay in filing the appeal.

R.F.A No. 3297 of 2018

The relevant portion of Sohan Lal's case (supra) reads as under:-

“ Considering the aforesaid factors, in my opinion, cut of 50% would be reasonable for the purpose of determination of fair value of the acquired land. After applying the same, the compensation payable to the landowners will come out to ₹ 1,230/- per square yard. The same shall be the compensation payable for acquisition of land of all the villages. It is for the

reason that even the Collector had assessed the compensation of the entire land at the same rate.

For the reasons mentioned above, the appeals filed by the landowners are allowed. They are held entitled to compensation @ ₹1,230/- per square yard pertaining to land of all the villages. They shall also be entitled to all statutory benefits available to them under the Act. The appeals filed by the Corporation are dismissed.”

Accordingly, the present appeal is also allowed in the above said terms with a condition that the appellants shall not entitled to the interest on the enhanced compensation for the period of delay in filing the appeal i.e 2101 days.

August 03, 2018
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(G.S. SANDHAWALIA)
JUDGE

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