

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

RFA No. 4560 of 2017 (O & M)

Date of decision: 30.01.2018

Rai Singh (D) through L.Rs. and others

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. S.P. Chahar, Advocate,
for the appellants.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 11260-CI of 2017

Application seeking exemption from filing certified copy of main award dated 20.05.2011 is allowed, subject to all just exceptions.

C.M. Nos. 11257-58-59-CI of 2017

Applications have been filed for bringing on record legal representatives of deceased appellants no. 1 to 3 i.e. Rai Singh, Ram Rup and Ram Kishan who are stated to have died on 25.06.2004, 12.04.2012 and 15.06.2014 respectively. The details of legal representatives have been mentioned in para nos. 2 of the applications. It has been further averred that there are no other legal representatives of deceased appellants no. 1 to 3 except the ones mentioned in para nos. 2 of the applications. The applications are supported by affidavits of the legal representatives.

Accordingly, the applications are allowed. Persons mentioned in para nos. 2 are allowed to be brought on record as legal representatives of deceased-appellants no. 1 to 3 only for the purpose of pursuing the present appeal. The present order shall not ensure any benefit in any other set of

proceedings.

C.M. No. 11256-CI of 2017

The present application has been filed for condonation of delay of 2144 days in filing the appeal against the award dated 20.05.2011 on the ground that the appellants are rustic and poor persons.

Notice in the application.

Ms. Safia Gupta, AAG, Haryana accepts notice.

Keeping in view the law laid down by the Apex Court in ***Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133*** and ***Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127***, delay is condoned, subject to the condition that the appellants shall not be entitled for the benefit of interest from the date of award till the date of filing of the appeal.

RFA No. 4560 of 2017

Counsel for the appellants has submitted that against the notification dated 13.08.2011, the land which is situated in village Kharawar, compensation was awarded @ Rs.7,14,454/- per acre by the Reference Court. It is accordingly submitted that similarly situated land owners have been granted compensation @ Rs.15,52,500/- per acre in the connected set of appeals, main appeal bearing ***RFA No. 1838 of 2011, State of Haryana and others vs. Ramphal***.

Counsel for the State is not in a position to dispute this factual aspect. The relevant portion in *Ramphal's case (supra)* reads as under:-

“The appeals filed by the land owners deserve to be partly allowed and the same are hereby allowed to the extent indicated above. Treating all the land owners of abovesaid villages equally, owing to the location

and potentiality of their acquired land, land owners of all these villages are held entitled to receive the compensation for their acquired land at the same uniform rate of Rs.15,52,500/- per acre, from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.

Resultantly, with the observations made above, all the abovesaid 184 appeals stand disposed of in the abovesaid terms, however, with no order as to costs.”

Accordingly, keeping in view the above, the appeal is allowed and the compensation is enhanced to Rs.15,52,500/- per acre alongwith all other statutory benefits as ordered in the main case.

30.01.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No