

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

- (1)** **RFA No.5457 of 2017 (O&M)**
Date of Decision:24.05.2018
- Kuldeep ...Appellant(s)
- Versus
- State of Haryana and others ...Respondent(s)
- and
- (2)** **RFA No.5458 of 2017 (O&M)**
Date of Decision:24.05.2018
- Hari Singh and others ...Appellant(s)
- Versus
- State of Haryana and others ...Respondent(s)
- and
- (3)** **RFA No.5523 of 2017 (O&M)**
Date of Decision:24.05.2018
- Munshi Ram and another ...Appellant(s)
- Versus
- State of Haryana and others ...Respondent(s)
- and
- (4)** **RFA No.954 of 2018 (O&M)**
Date of Decision:24.05.2018
- Ved Prakash and others ...Appellant(s)
- Versus
- State of Haryana and others ...Respondent(s)

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

Present: Mr. B.K. Bagri, Advocate
for the appellant(s).

Ms. Safia Gupta, AAG, Haryana.

G.S. SANDHAWALIA, J. (ORAL)

The present order shall dispose of RFA Nos.5457, 5458 &
5523 of 2017 and 954 of 2018. The facts have been taken from RFA

No.5457 of 2017 as common questions of law and facts are involved.

Delay applications:

The present applications have been filed for condoning the delay ranging between 2080-2118 days in filing the appeals.

Though the applications, as such, do not contain sufficient cause but 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**”, that the equities could be balanced by denying the interest on the enhanced compensation for the period of delay in filing the appeals, the present applications are liable to be allowed.

Accordingly, the present applications are allowed, with the condition that for the period of delay in filing the appeals, the appellants shall not be entitled for any interest on the amount of enhanced compensation.

CMs stand disposed of.

Main appeals:

The present appeals are directed against the award dated 23.09.2011, whereby the Reference Court, Rewari has granted compensation @ Rs.20 lakhs per acre alongwith all statutory benefits for the land falling in village Davlawas, Kamalpur and Jatuwas, Tehsil and District Rewari, which was acquired vide notification dated 06.07.2006 under Section 4 of the Land Acquisition Act, 1894.

It is the case of the appellants that **RFA No.824 of 2012**

“Smt. Bhagwani and others vs. State of Haryana and others” along

with bunch of other connected matters has been decided on 05.02.2016, whereby the market value of the land has been assessed to Rs.29,31,174/- per acre along with all statutory benefits for the same notification dated 06.07.2006. The purpose of the acquisition was for construction of Rewari Drain. The relevant observations read as under:

“Land owners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.29,31,174/- per acre from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled to all the statutory benefits available to them under the relevant provisions of the Act.

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

Counsel for the State also could not dispute the said fact and also whether the said order has been further modified or not.

Resultantly, the present appeals are liable to be allowed by enhancing the compensation to Rs.29,31,174/- per acre along with all statutory benefits with the further condition that the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the delay period of 2080-2118 days.

Appeals stand disposed of with the above said terms.

(G.S. SANDHAWALIA)

JUDGE

24.05.2018

pvd

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No