

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

-:-

**C.M No. 13658-CI of 2017 in/and
RFA No. 5476 of 2017 (O&M)
Date of decision: 01.03.2018**

Lajja Devi & Ors.

... Appellants

Vs.

State of Haryana & Ors.

...Respondents

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

Present: Mr. Rajesh Lamba, Advocate, for the appellants.

Ms. Safia Gupta, AAG, Haryana.

Mr. Pritam Saini, Advocate, for respondent Nos. 3 and 4.

G.S.SANDHAWALIA, J. (Oral)

Application for condonation of delay of 1880 days has been filed along with application No. 13657-CI of 2017 to contend that the matter is covered in view of the judgment passed in RFA No. 378 of 2013, decided on 03.09.2014.

Counsel for the State and counsel for respondent Nos. 3 and 4 have 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. (59,53,200) yard in RFA No. 2075 of 2012 titled as 'Sohan Lal & Anr. Vs. State of Haryana & ors., which was the lead case and RFA No. 378 of 2013 was decided along with the said 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 i.e 1880 days in view of the judgment of Sohan Lal's case (supra).

R.F.A No. 5476 of 2017

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 1880 days.

March 01, 2018
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(G.S. SANDHAWALIA)
JUDGE

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