

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

**RFA No.5502 of 2017 (O&M)
Decided on : 28.08.2018**

Kamal Singh Yadav and another

... Appellant

Versus

State of Haryana and another

... Respondents

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

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

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-13699-CI-2017

Exemption application is allowed, as prayed for.

CM stands disposed of.

CM-3053-CI-2018

Application for condoning the delay of 1178 days in filing the present appeal has been filed.

It has been averred in the application that the appeal was originally filed on 30.06.2014 and was barred by 43 days. Since, it had been returned on 23.07.2014 and, thereafter, the case had been mixed up and the delay as such taken place. It was, thereafter, filed on 27.10.2014 and the same had been returned on 12.11.2014. On account of various re-filing and objections being raised, eventually the delay has occurred.

It is further submitted that the case is covered by the judgment of the Apex Court passed in **Civil Appeal No.19354 of 2017 'Rajender**

Singh and others Vs. State of Haryana and others' decided on 17.11.2017, wherein the market value has been fixed as ₹20 lakhs per acre for the land falling in village Bahadurgarh.

As per office report, respondents are served.

Keeping in view the averments made in the application, duly supported by affidavit and the fact that the matter is covered by the above said judgment, the application is allowed. The delay of 1178 days in filing the appeal is condoned.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is against the Award dated 18.02.2014 passed by the Reference Court, Jhajjar, qua the notification dated 17.04.2002 issued under Section 4 of the Act.

The Collector had awarded ₹6 lakhs per acre for Chahi/Nehri/Gair Mumkin land, ₹5,50,000/- per acre for Barani & Banjar Land and ₹2,50,000/- per acre for Gadha Khadda. The Reference Court had awarded a sum of ₹11,31,000/- per acre.

This Court in **RFA No.1626 of 2011 'Puran Chand Wadhwa (deceased) through LRs Vs. Land Acquisition Collector and another'** decided on 31.08.2015, while dealing with the notification dated 17.04.2002, enhanced the compensation to ₹13 lakhs per acre for the land falling in village Bahadurgarh. The Apex Court in **Rajender Singh (supra)** has enhanced it as under:-

“20 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.”

Accordingly, the present appeal is also allowed in the above said terms and the appellants are held entitled for the enhanced compensation as awarded by the Apex Court.

AUGUST 28, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No