

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA-5520-2017 (O&M)
Date of decision: 27.07.2018

Mir Singh & othersAppellants
Versus
State of Haryana & another ...Respondents

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

Present: Mr.Subhash Rana, Advocate, for
Mr.Jagjeet Beniwal, Advocate, for the appellants.

Ms.Vibha Tewari, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

The present appeal is barred by as much as 1036 days, which is directed against the award of the Reference Court, Bhiwani dated 14.07.2014.

Counsel for the appellants has placed reliance upon judgment passed in RFA-2544-2015 titled *Anoop Singh & others Vs. State of Haryana & another*, decided on 29.09.2015.

On the other hand, State Counsel submits that the case would be covered rather by the judgment passed in RFA-2468-2015 titled *Narender & another Vs. State of Haryana & another*, decided on the same date, which is further confirmed from the award passed by the Reference Court, wherein LAC/289/2013 titled *Narender & another Vs. State of Haryana & another*, finds mention.

A perusal of the said judgment would go on to show that the acquisition is of the same date i.e., 28.02.20107 and the land is situated in Village Nimri, which was acquired for the purpose of construction of Baund Drain and Malkosh-Nimri Link Drain.

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A perusal of the Reference Court award in the present case would show that the compensation of Rs.8,00,000/-, as awarded by the Land Acquisition Collector on 20.08.2008, had been further enhanced to Rs.50,000/- per acre.

Accordingly, the application for condonation of delay of 1036 days in filing the appeal, is hereby allowed and the delay of 1036 days in filing the appeal is condoned, by denying the interest element, 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.**

Accordingly, for the reasons mentioned above, the present appeal is allowed. The landowners are awarded compensation @ Rs.9,53,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Land Acquisition Act, 1894, in terms of **Narender** (supra). The appellants shall, however, not be entitled for the interest element for 1036 days.

27.07.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No