

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

**RFA No.5574 of 2017 (O&M)
Decided on : 19.04.2018**

Balbir Singh (deceased) through L.Rs. and another

... Appellants

Versus

State of Haryana and another

... Respondents

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

Present : Mr. Dalel Singh Nain, Advocate
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-13828-CI-2017

Application is allowed, as prayed for.

CM stands disposed of.

CM-13830-CI-2017

The present application has been filed under Order 1 Rule 1, Part C of Chapter-1 of the High Court Rules & Order Volume V read with Order 22 Rule 3 CPC for impleading the legal representatives of the deceased Balbir Singh-appellant No.1, who had expired on 03.10.2007. The names of legal representatives have been mentioned in paragraph No.2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No.2. The application is supported by the affidavit of Bala Devi widow of deceased Balbir Singh.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph No.2 of the application are permitted to pursue the

present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-13829-CI-2017

Application under Section 5 of the Limitation Act for condonation of delay of 930 days in filing the present appeal has been filed.

Keeping in view the averments made in the application and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for 930 days in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236, the application is allowed.

The delay of 930 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

The present appeal is directed against the Award dated 22.10.2014 passed by Reference Court, Kaithal, whereby the compensation has been enhanced from ₹2,20,000/- per acre to ₹2,50,000/- for the land falling in Village Sakra, Tehsil and District Kaithal regarding the notification dated 08.01.2003 issued under Section

4 of the Land Acquisition Act, 1894 (for short 'the Act').

Counsel submits that in connected appeal i.e. **RFA No.7214 of 2012 'Janardhan Vs. State of Haryana and others'** decided on 29.07.2015, the amount has been enhanced to ₹5,30,000/- per acre. The relevant portion of the said judgment reads as under:-

“As per the aforesaid policy dated 6.4.2007 the minimum floor rate in the Haryana State was fixed @ ₹8,00,000/- per acre and the rates are applicable to all those acquisitions where awards have been announced on or after 22.3.2007 irrespective of date of notification under Section 4 of the Act. The value of the land in question, as per the area in the policy of the Government dated 28.4.2005, was ₹ 5,00,000/- per acre. It increased from ₹5,00,000/- to ₹8,00,000/- per acre in the year 2007.

The award in the present case was announced by the Collector on 19.9.2005 whereas as per policy dated 28.4.2005, the date of applicability is 5.3.2005. The Government of Haryana itself had assessed the value of the land in the area in question at ₹5,00,000/- per acre in the year 2005 and ₹8,00,000/- per acre in the year 2007.

The aforesaid policy letters, in my opinion, can be considered as a piece of evidence showing the value of the land. Considering the facts that the award in the present case was announced on 19.9.2005 and date of enforcement of policy dated 28.4.2005 is 5.3.2005, the landowners in the present case deserve to be granted proportionate increase. The time gap from policy dated 28.4.2005 till the award of the Collector in the present case is about six months. For this period granting proportionate increase the amount of compensation shall come out to ₹5,30,000/- per acre. Accordingly, the value of the land in the present set of appeals is determined @ ₹5,30,000/- per acre. The landowners shall also be entitled to all the statutory benefits available under the Act.

The appeals are disposed of accordingly

Counsel for the State could not refute the said fact and rather submits that the said judgment has attained finality before the Apex Court in **SLP (C) No.11096 of 2016 'Phool Singh and others Vs. Land Acquisition Collector'** decided on 18.04.2016.

Accordingly, the present appeal is allowed conditionally to the extent that the landowners will also be entitled for the same benefit to maintain parity to receive compensation @ ₹5,30,000/- per acre alongwith all statutory benefits. It is, however, made clear that the appellants shall not be entitled for interest on the enhanced compensation for the delay period of 930 days.

APRIL 19, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No