

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

**RFA No.539 of 2018 (O&M) & other
connected appeals
Decided on : 04.05.2018**

Mangat Ram (deceased) through his L.Rs.

... Appellants

Versus

The State of Haryana and others

... Respondents

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

Present : Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate for the appellants.

Ms. Safia Gupta, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Delay applications

Applications have been filed for condoning the delay of 1815 days in filing the appeals.

In view of the averments made in the applications, duly supported by affidavit and in view of the law laid down by 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 interest of the State can be protected by denying the interest to the appellants on the enhanced compensation for the period of delay in filing the appeals, the present applications are allowed. The delay of 1815 days in filing the appeals is condoned 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 appeals are directed against the Award dated 29.05.2012 passed by the Reference Court, Faridabad, whereby the market value has been fixed @ ₹707 per square yard for the land falling in village Machgar, Tehsil Ballabgarh, District Faridabad, which was acquired vide notification dated 31.07.2006 under Section 4 of the Land Acquisition Act, 1894.

Counsel for the appellants submits that the market value has been enhanced by the Coordinate Bench in **RFA No.2075 of 2012 'Sohan Lal and another Vs. State of Haryana and others'** decided on 03.09.2014 (Annexure A-1), wherein the market value has been fixed @ ₹1,230/- per square yard. The relevant observations read 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.”

It is further pointed out that appeals i.e. **Special Leave to Appeal (C) Nos.8218-8242 of 2015 'Haryana State Industrial & Infrastructure Development Corporation Ltd. and others Vs. Rishi**

Pal and others' against the said judgment preferred by the HSIIDC were dismissed on 15.05.2015.

Keeping in view the above, the present appeals are allowed in the same terms and the appellants are held entitled for the same compensation @ ₹1,230/- per square yard alongwith 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 1815 days.

Disposed of with the abovesaid terms.

MAY 04, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No