

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

**RFA No.658 of 2018 (O&M)
Decided on : 26.03.2018**

Rajender and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Rajinder Kumar, Advocate for
Mr. M.S. Tewatia, Advocate for the appellants.

G.S. Sandhawalia, J. (Oral)

CM-1626-CI-2018

Application under Section 151 CPC has been filed for treating the present appeal as an urgent, as RFA No.594 of 2012 dated 28.03.2016 arising out of the same notification has already been decided.

Accordingly, in view of the averments made in the application, duly supported by the affidavit, the same is allowed.

CM stands disposed of.

CM-1627-CI-2018

Application is allowed, as prayed for.

CM stands disposed of.

CM-1628-CI-2018

Application under Volume5 Chapter 1C Rule 2 of Punjab and Haryana High Court Rules and read with Section 151 CPC has been filed for impleading the legal heirs of deceased Khem Chand-appellant No.2, who is stated to have expired on 07.01.2014. The details of the legal

representatives have been mentioned in para 2 of the application and it has been averred that there are no other legal heirs. Application is duly supported by affidavit of Rajender-appellant No.1.

Accordingly, in view of the averments made in the application, duly supported by the affidavit, the same is allowed and the legal representatives, as mentioned in para 2 of the application are permitted to pursue the present litigation only.

CM stands disposed of.

CM-1625-CI-2018

Application under Section 5 of the Limitation Act, 1963 read with Section 151 has been filed for condonation of delay of 2173 days in filing the present appeals against the Award dated 30.11.2011 passed by Additional District Judge, Palwal pertaining to land of village Rehrana, Tehsil Palwal, District Faridabad regarding the notification dated 25.08.2005 under Section 4 of the Land Acquisition Act, 1894.

Notice of the application.

Mr. Shivendra Swaroop, AAG, Haryana and Mr. Pritam Singh Saini, Advocate accept notice on behalf of the respondents No.1, 2 & 3, 4, respectively. Copies of the paper-book has been supplied.

Counsel for the applicant-appellant submits that the matter has been decided by the Apex Court in **SLP (C) No.20497-20500-2016** titled **Bharti and another Vs. State of Haryana and others** and the State Appeals were allowed on 21.09.2017.

In view of the fact that the matter stands covered and the

interest of the State can be protected by denying the appellants the benefit of interest for 2173 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 2173 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

It is not disputed that this Court, while disposing of a bunch of cases on 28.03.2016, the lead case of which was **RFA-2322-2011** titled '**Usha Rani & others Vs. State of Haryana & others**', had enhanced the compensation from ₹12,50,000/- to ₹48,57,000/- per acre. The matter was taken to the Apex Court by both sides in **SLP (C) Nos.20497- 20500-2016** titled '**Bharti & another Vs. State of Haryana & others**', and the State Appeals were allowed on 21.09.2017 and reduction had been done by putting a cut on the enhancement, to the tune of 30-33% and compensation had been reduced to ₹32,62,500/- per acre. Relevant portion of the judgment reads as under:

“In the facts of the case considering its situation for development and smallness of comparable land we deduct approximately 32 to 33 % of amount. We reduce the compensation, as determined by the High Court, to

*Rs.32,62,500/- per acre for aforesaid villages of District Palwal.
The amount of compensation awarded at the aforesaid rate, to
carry the statutory benefits. The amount which has not been paid
so far be paid within a period of three months from today.
The appeals filed by the State are allowed to the aforesaid
extent, and that by the landowners are also, accordingly,
disposed of.”*

Accordingly, the present appeal is allowed, by modifying the
order of the Reference Court, enhancing the amount of compensation to
the tune of ₹32,62,500/- per acre along with all statutory benefits. The
said amount be paid within a period of 3 months, from today. The benefit
of interest for the delay period of 2173 days is not to be granted to the
appellants.

MARCH 26, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No