

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

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**RFA No.372 of 2019 (O&M)
Decided on : 11.12.2019**

Harbans and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. S.S. Sahu, Advocate for the appellants
in RFA Nos.372 to 374, 884, 885, 887 and 888 of 2019.

Mr. Karan Singh, Advocate for the appellants
in RFA No.623 of 2019.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Delay applications

Applications under Section 5 of the Limitation Act for condoning the delay ranging from 1820 to 1850 days in filing the present appeals have been filed.

Accordingly, keeping in view the averments made in the applications and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for the delay period ranging between 1820 to 1850 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 applications are allowed, conditionally.

The delay ranging between 1820 to 1850 days in filing the

appeals is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CMs stand disposed of.

Main appeals

The present order shall dispose of 8 appeals i.e. RFA Nos.372 to 374, 623, 884, 885, 887 and 888 of 2019, filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act'). The same are directed against the Award of the Reference Court dated 20.09.2013, Fatehabad, whereby the market value @ ₹5 lakhs per acre has been maintained for the land falling in village Ramsara.

The land was acquired vide notification dated 29.12.2004 issued under Section 4 of the Act, for construction of Hisar Ghaggar Multi Purpose Channel. However, certain landowners namely Bhan Singh, Chhotu and Seema, whose land had been bifurcated were also granted damages of severance of the land due to the acquisition, @ 25% of the compensation.

The amount was enhanced to ₹6,07,000/- per acre in an appeal filed by Seema Devi bearing RFA No.4584 of 2015 'Seema Devi Vs. State of Haryana and others' decided on 29.10.2015 by holding as under:-

“The aforesaid policy letters, in my opinion, can be considered as a piece of evidence showing the value of the land. The increase from ₹ 5,00,000/- to ₹ 8,00,000/- if calculated from 5.3.2005 till 22.3.2007, the effective dates of two policies, providing for minimum rates, the same comes to

₹ 12,500/- per month. Taking into account the aforesaid facts, as the award in the present case was announced by the Collector on 28.11.2005, the landowner in the present case deserves to be granted compensation by adding ₹ 12,500/- per month on ₹ 5,00,000/- with effect from 5.3.2005 till the announcement of award by the Collector in the present case i.e. about 8½ months. If the aforesaid amount is added, the compensation comes to ₹ 6,06,250/-, which is rounded off to ₹ 6,07,000/- per acre.

For the reasons mentioned above, the appeal is allowed. The award of learned Court below is modified only to the extent of value of the acquired land. The same is assessed @ ₹ 6,07,000/- per acre. Amount of damages awarded on account of severance is upheld. The landowner shall also be entitled to all the statutory benefits available to her under the Act. However, she shall not be entitled to interest for the period of delay in filing the appeal i.e. 558 days.”

Accordingly, the present appeal is also allowed in the same terms. However, it is made clear that the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the delay period ranging between 1820 to 1850 days.

DECEMBER 11, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No