

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

**RFA No.1023 of 2019 (O&M)
Decided on : 19.07.2019**

Mahender (deceased) through his legal heirs

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. S.P. Chahar, Advocate
for the appellants.

G.S. Sandhawalia, J. (Oral)

CM-2526-CI-2019

Exemption application is allowed, as prayed for.

CM stands disposed of..

CM-2525-CI-2019

The present application has been filed for impleading the legal representatives of the deceased appellant-Mahender, who had expired on 31.08.2009. 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 Yogesh son of deceased Mahender.

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

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not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-2524-CI-2019

Application under Section 5 of the Limitation Act for condonation of delay of 1645 days in filing the present appeal has been filed.

Notice of the application.

Ms. Vibha Tewari, AAG, Haryana, accepts notice on behalf of the respondents-State. Copy has been supplied to her.

Accordingly, 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 1645 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 1645 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation for the said days.

CM stands disposed of.

Main appeal

The present appeal by the landowners arises out of the order of the Reference Court, Jhajjar dated 05.05.2014, whereby market value

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of the acquired land was enhanced from ₹12,50,000/- per acre to ₹14,27,146/- per acre only. The notification in question under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 19.11.2004 for the public purpose for the construction and development of Kundli-Manesar-Palwal Expressway.

Counsel for the appellants submits that for the land falling in village Mund Khera, the Coordinate Bench in **RFA No.1427 of 2014 'Rajit and another Vs. State of Haryana and others'** decided on 12.02.2016 has enhanced the market value to ₹19,91,300/- per acre alongwith all statutory benefits. The relevant portion of the said judgment reads as under:-

“Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that this batch of appeals deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The land owners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.19,91,300/- per acre, i.e. Rs.(12,50,000+4,41,300+3,00,000) from the date of notification under Section 4 of the Act. The land owners are also held entitled to receive the 40% of the market value on account of severance charges. Besides this, the land owners shall be entitled to all the statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the observations made above, all the aforesaid appeals stand partly allowed, in the afore-said terms, however, with no order as to costs.”

Counsel for the State could not deny the said fact and rather submits that in **SLP No.16577-16596 of 2016 'Ramphal @ Rampal and**

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another Vs. State of Haryana and others' decided on 14.09.2016, the said judgment has been upheld.

Accordingly, keeping in view the above, the present appeal is also allowed in the same terms. It is, however, made clear that the benefit of interest on the enhanced compensation will not be paid to the appellants for the delay period of 1645 days.

JULY 19, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No