

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.2615 of 2019 (O&M)

Date of Decision: 10.09.2019

Rajesh

... Appellant

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Adarsh Jain, Advocate for the appellant

G.S. SANDHAWALIA, J. (Oral)

Application for condonation of delay of 913 days has been filed in the appeal directed against the award dated 17.09.2016 of the Reference Court, Faridabad.

Upon notice, Ms. Vibha Tewari, AAG Haryana accepts notice.

Counsel submits that since the award was based on the judgment of this Court in **RFA No.7108 of 2012 Ram Pal & Ors. vs. Land Acquisition Collector** decided on 16.09.2015 and Rs.1870/- per sq.yard had been granted, there was no necessity to file appeal. However, the matter was taken to the Apex Court by other landowners and the judgment of this Court was set aside in **Civil Appeal Nos.21014-21016 of 2017 Premwati & Ors. vs. State of Haryana & Anr.** decided on 06.12.2017 whereby the matter had been remanded and as such the delay has occurred.

Accordingly, keeping in view the above, the application is allowed the delay of 913 days in filing the appeal is condoned.

CM stands disposed of.

Main case

The impugned order as noticed has placed reliance upon the earlier judgment of this Court dated 16.09.2015 and this Court in **RFA**

No.7108 of 2012 Rampal and Others (II) vs. Land Acquisition Collector & Anr. re-decided the issue on 31.05.2019 and fixed the market value for Village Fajjupur Majra Neemka which was acquired vide notification dated 14.08.2008 @ Rs.1760/- per sq.yard (Rs.85,18,400/- per acre). The relevant portion reads as under:-

199. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-

(i) For the first notification dated 01.05.2006, for the land of village Sihi, which was falling within the limits of Municipal Corporation, Faridabad, the market value would be Rs.1351/- per square yard (Rs.65,38,840/- per acre). The market value is fixed @ Rs.1229/- per square yard (Rs.59,48,360/- per acre) for villages Badoli/Baroli, Sihi, Murtazapur, Pehladpur and Bhatola, not falling in the municipal limits.

(ii) For the second notification dated 07.02.2008, the market value for the villages Bhatola, Murtazapur and Badoli/Baroli, is fixed @ Rs.1551/- per square yard (Rs.75,06,840/- per acre) and for other three villages i.e. Fajjupur Majra Neemka, Neemka, Faridpur, the market value is fixed @ Rs.1410/- per square yard (Rs.68,24,400/- per acre).

(iii) For the third notification dated 14.08.2008, the market value is fixed @ Rs.3300/- per square yard (Rs.1,59,72,000/- per square yard) for the land falling within the limits of Municipal Corporation, Faridabad of villages Budhena, Baselwa and Mawai. For the other land of the said villages, the market value is fixed @ Rs.2970/- per square yard (Rs.1,43,74,800/- per acre).

(iv) For the land falling in villages Badoli/Baroli, Pehladpur and Wazirpur, for the notification dated 14.08.2008, the market value is fixed @ Rs.2129/- per square yard (Rs.1,03,04,360/- per acre). For the lands of villages Palwali, Badshahpur, Bhatola and Murtazapur the market value is fixed @ Rs.1936/- per square yard (Rs.93,70,240/- per acre). And for the land

falling in the last belt of the notification dated 14.08.2008 in villages Neemka, Fajjupur Majra Neemka, Kheri Khurd, Faridpur, Kheri Kalan, Bhupani, Riwajpur and Tikawali, the market value is fixed @ Rs.1760/- per square yard (Rs.85,18,400/- per acre).

200. Resultantly, the appeals alongwith cross-objections filed by both the landowners and the State are disposed of. In appeals where delay has been condoned conditionally, the benefit of interest on the enhanced compensation for the period of delay in filing the appeals shall not be granted to the landowners, as specified in the orders condoning the delay.

Counsel submits that in view of the said fact the appellants will only be entitled for reduced amount as such to which the State cannot have any quarrel.

Disposed of in same terms as reproduced above.

10.09.2019

Vvishal

**(G.S. Sandhawalia)
Judge**

- 1. Whether speaking/reasoned?*
- 2. Whether reportable?*

Yes/No
Yes/No