

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA No. 2565 of 2019 (O & M)

Date of decision: 30.10.2019

Smt. Asarfi and others

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Adarsh Jain, Advocate,
for the appellants.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 6123-CI of 2019

Notice in the application for condonation of delay of 2288 days
in filing the appeal.

Ms. Vibha Tewari, AAG, Haryana accepts notice.

It is pointed out that reliance was placed upon award dated 29.05.2012 (Ex.P-1) to grant Rs.707/- per square yard. It is submitted that this Court in ***RFA No. 2075 of 2012, Sohan Lal and another vs. State of Haryana and others*** has further enhanced the compensation at Rs.1230 per square yard on 03.09.2014. SLP Nos. 21632-21678 of 2015, ***Sohan Lal and another vs. State of Haryana and others*** have been dismissed on 17.08.2015 and the amount awarded has been upheld and, therefore, the market value as such has been finalized.

Keeping in view the law laid down by the Apex Court in ***Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133*** and ***Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127***, delay of 2288 days in filing the appeal is

condoned, subject to the condition that the appellants shall not be entitled for the benefit of interest for 2288 days.

Main Appeal

The appeal is directed against the award dated 11.12.2012 passed by the Reference Court, Faridkot for the land acquired vide notification dated 31.07.2006 for the land falling in village Machgar, District Faridabad. The same was subject matter of the above said *Sohan Lal's case (supra)* by this Court and the market value has been enhanced 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 Rs.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. 104

For the reasons mentioned above, the appeals filed by the landowners are allowed. They are held entitled to compensation @ Rs. 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.”

Resultantly, the appeal is also disposed of in the same terms by denying the appellants the interest for the 2288 days i.e. the period of delay.

30.10.2019

shivani

Whether reasoned/speaking

Whether reportable

(G.S. SANDHAWALIA)

JUDGE

Yes/No

Yes/No

