

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

Date of Decision: July 05, 2019

1) RFA-2452-2019 (O&M)

State of Haryana and another

... Appellants

Versus

Kharak Singh @ Kharag Singh and another

... Respondents

2) RFA-2453-2019 (O&M)

State of Haryana and another

... Appellants

Versus

Jugla @ Jugnandan and another

... Respondents

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

Present: Mr. Shivendra Swaroop, AAG, Haryana,
for the appellants.

G.S. Sandhawalia, J. (Oral)

Applications for condonation of 224 days' delay in filing the appeal as per the calculation of the office, whereas the appellants have mentioned 321 days. Both the appeals have been filed against the award of the reference Court, Faridabad dated 10.08.2018 under Section 54 of the Land Acquisition Act, 1894. The notification in question is dated 14.08.2008 and the land was acquired from the revenue estate of Village Neemka, Tehsil and District Faridabad.

The reference Court has followed the earlier view by granting compensation @ Rs. 1118/- per square yard while relying upon the award dated 27.02.2013 titled as “Parmal Singh and others vs. State of Haryana”. It is not in dispute that on earlier occasion, this Court in RFA No. 7108 of 2012 titled as “Ram Pal and others vs. Land Acquisition Collector and others”, had enhanced the compensation then what had been granted in Parmal Singh's case. The matter was remanded by the Apex Court on 06.12.2017 for fresh decision and now the same has been re-decided by this Court on 31.05.2019. The market value has now been fixed @ Rs. 1760/- for village Neemka. It is also pointed out that the cross appeals i.e. RFA-134/1264-2019 filed by the land owners have also been allowed in the said bunch.

This Court is not inclined to call upon the other side now in such circumstances more so specifically in view of the fact that appeal is barred by limitation.

Perusal of the application for condonation and the paper-book would show that the copy was applied 10 days after the pronouncement and was prepared on 27.08.2018. No action was taken till 13.09.2018 whereby legal opinion was obtained. Thereafter, on receipt of the legal opinion from the District Attorney, Fardiyabad, the matter was sent to the Legal Remembrancer & Secretary to Government, Haryana, who referred the matter back to the appellant's office. Thereafter, on asking of the office of Advocate General, Haryana from the appellant for sending the necessary documents for filing appeal, which was received in the office of the deponent on 23.01.2019, the same was got vetted on 19/27.03.2019. The appeal has thereafter been filed only on 27.06.2019. There is no explanation

as such for about three months also after vetting from the Advocate General's office.

In such circumstances, no ground is made out to condone the delay. More so, in view of the fact that the appeals of the land owners have already been allowed and the State was remiss in filing the appeal expeditiously.

In view of above facts and circumstances, applications for condonation in both the aforementioned cases are dismissed. Resultantly, both the appeals also stand dismissed.

July 05, 2019
vkd

(G.S. Sandhawalia)
Judge

Whether speaking / reasoned : Yes

Whether reportable : No