

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

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**RFA No.3432 of 2019 (O&M)
Decided on : 28.11.2019**

Jas Ram

... Appellant

Versus

State of Haryana and another

... Respondents

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

Present: Mr. Jai Bhagwan Sharma, Advocate for
Mr. Rajesh Lamba, Advocate for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-8407-CI-2019

Application for condoning the delay of 1909 days in re-filing the appeal against the Award dated 24.02.2014 passed by the Reference Court, Faridabad has been filed.

In the application, it has been averred that earlier the appeal was filed on 11.04.2014 within limitation, but was returned on 21.05.2014 by the office on account of certain objections. Thereafter, clerk had mixed the file in the files of decided cases and left the office of the counsel. In such circumstances, the delay is sought to be condoned.

Sufficient cause has been made out. It is a settled principle that fault of the counsel will not as such take away the rights of the litigants.

Resultantly, the application is allowed and the delay of 1909 days in re-filing the appeal is condoned.

CM stands disposed of.

Main appeal

The present appeal under Section 54 of the Land Acquisition

RFA No.3432 of 2019 (O&M)

Act, 1894 (for short 'the Act') is directed against the Award of the Reference Court, Faridabad dated 24.02.2014, whereby the market value on the date of Section 4 notification dated 01.05.2006 had been fixed @ ₹585/- per square yard, for the land falling in village Murtzapur.

The Reference Court has relied upon the Award dated 28.09.2012 passed in **LA Case No.91 of 2010 'Rampal and others Vs. State of Haryana and others'**, wherein the market value for the land falling in village Badoli was assessed @ ₹585/- per square yard, to grant the same amount of compensation.

It is not disputed that this Court in **RFA No.7108 of 2012 'Rampal and others (II) Vs. Land Acquisition Collector and another'** and other connected cases decided on 31.05.2019, while dealing with the said award and other connected notifications also, on the second occasion after remand from the Apex Court, has fixed the market value @ ₹1229/- per square yard (Rs.59,48,360/- per acre) for village Badoli/Baroli and for village Murtazapur also. The relevant portion of the said judgment read as under:-

“Relief

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).”

Accordingly, the present appeal is also disposed off in the same terms.

NOVEMBER 28, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No