

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

**CM-7820-CI-2019 in/and
RA-RF-100-2019
RFA No.5542 of 2014
Decided on : 21.11.2019**

Gulab Singh and others

... Applicant-Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Lajpat Sharma, Advocate for the applicant/appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-7820-CI-2019 in/and RA-RF-100-2019

Application for reviewing the order dated 22.12.2015 (Annexure A-1) alongwith application for condoning the delay of 1321 days in filing the review application has been filed, on the ground that the Apex Court has finally decided the issue and compensation has been enhanced in **Civil Appeal No.2846 of 2017 'Bijender and others Vs. State of Haryana and another'** decided on 27.10.2017 (Annexure A-2).

Accordingly, keeping in view the above, the application for condoning the delay of 1321 days in filing the review application is allowed with the condition that the appellants shall not be entitled for the interest on the enhanced compensation for the above said delay period, as they cannot take advantage having not filed the SLP to seek parity as such alongwith the benefit of statutory rate of interest. Reliance can be placed upon the

judgments of 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 delay of 1321 days in filing the review application is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation for the delay period of 1321 days.

The review application is also allowed, in view of the fact in **RA-RF-97-CI-2018 in RFA No.4648 of 2014 'Nirmal Singh and others Vs. State of Haryana and others'** decided on 13.07.2018, also the similar relief has been granted.

The main appeal is taken on board today itself.

Main appeal

It is not disputed that other landowners have challenged the order passed by the Coordinate Bench on 22.12.2015 in **RFA No.1515 of 2014 'Harijan Co-operative Society Ltd. Vs. State of Haryana and another'**. The Apex Court in **Bijender's case (supra)** for the notification dated 23.08.2007 has fixed the market value of the land in question as under:-

“62) We have applied our mind keeping in view all the relevant factors coupled with the law laid down by this Court. Taking into consideration all the relevant factors emerging from the evidence and the findings of the Courts below on the issues such as - the location of the acquired land, its surroundings, nature, potentiality, rates of small plots, the purpose of acquisition, development cost needed, non

availability of the sale deeds for large areas sold in acres, etc., we are of the considered opinion that just, fair and proper market value of the acquired land in question on the date of issuance of Section 4 notification is determined at Rs.45,00,000/- (Forty Five Lacs) per acre in place of Rs.33,00,000/- (Thirty Three Lacs) per acre for the lands described in detail in column 2 of the Award of the Collector dated 19.08.2010 (Annexure P-3) at page 32 of the SLP paper book of C.A.No. 2846/2017 and Rs.35,00,000/- (Thirty Five Lacs) per acre in place of Rs.24,75,000/- (Twenty Four Lacs Seventy Five Thousand) per acre for lands described in detail in column 1 of the said Award. In other words, the appellants are held entitled to receive compensation for the acquired land as described hereunder:

S.No.	Class of Land	Awarded Amount
1.	Nehri, Chahi	Rs.35 lacs
2.	To the depth of 2 acres from Safidon-Jind Road & Safidon Bye pass Road and Gair-mumkin land	Rs.45 lacs

63) In addition to the aforesaid, the appellants are also held entitled to statutory compensation as provided in the Act and which the Courts below had already awarded to the appellants. We uphold the Award of such compensation. The two rates which we have determined above would apply to entire acquired land of all the appellants.

64) In the light of foregoing discussion, the appeals succeed and are allowed in part. The impugned judgments are partially modified in appellants’ favour by enhancing the compensation payable to appellants (claimants/landowners) in respect of their acquired land to the extent indicated above.”

Accordingly, keeping in view the above, the present appeal is also allowed in the above said terms. However, the benefit of interest for the delay period of 1321 in filing the review application shall not be

granted to the landowners.

NOVEMBER 21, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No