

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

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**RFA No.1109 of 2018 (O&M)
Decided on : 19.07.2019**

Ishwar Singh and others

... Appellants

Versus

State of Haryana and another

... Respondents

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

Present: Mr. N.K. Dhawan, Advocate for
Mr. M.S. Khillan, Advocate for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-2967-CI-2018

Application for condoning the delay of 1965 days in filing the appeal has been filed on the ground that appellants had shifted to Karnal from Kaithal.

The application is opposed by the State counsel, but no reply has been filed, though service was complete on 12.03.2019.

Accordingly, keeping in view the averments made in the application, duly supported by affidavit, the same is allowed. The delay of 1965 days in filing the appeal is condoned.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award of the Reference Court, Kaithal dated 01.04.2011. A sum of ₹50,000/- has been granted as enhancement by fixing the market value to ₹8,50,000/- per acre, from ₹8 lakhs awarded by the Land Acquisition Collector.

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The same was done on the ground that the market value of the adjoining village had been fixed @ ₹8,50,000/- per acre and resultantly for the land falling in village Bata the same market value was fixed for the notification dated 04.05.2007. The acquisition was for the public purpose of Kapil Muni Minor. The Coordinate Bench of this Court in **RFA No.2460 of 2011 'State of Haryana and another Vs. Jodha and others'** decided on 03.05.2012, dismissed the appeal of the State and the landowners and upheld the amount for the village Chausala and for three other villages which were, however, at higher rates. Following the said view **RFA No.2151 of 2012 'Kalia and others Vs. State of Haryana and another'**, which was pertaining to village Bata was also dismissed on 27.10.2016, as pointed out by the counsel for the State.

In such circumstances, once the basis was the market value of the adjoining village, no benefit can be granted herein and no scope for enhancement is left at the instance of the landowners.

Accordingly, the present appeal is dismissed.

JULY 19, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No