

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

207

**RFA No.2282 of 2018 (O&M)
Decided on : 23.09.2019**

Joginder Kaur and others

... Appellants

Versus

State of Punjab

... Respondent

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

Present: Ms. SPK Phoolka, Advocate for
Mr. PKS Phoolka, Advocate for the appellants.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

G.S. Sandhawal, J. (Oral)

CM-4922-CI-2018

Application for condoning the delay of 5518 days in filing the appeal on 08.04.2016 has been preferred.

Reply to the application has not been filed. Counsel for the State had put in appearance on 12.11.2018 and taken time to file reply and thereafter 3 opportunities had been granted. Last opportunity was granted on 04.07.2019, but position remains the same.

Accordingly, keeping in view the fact that the matter is also covered, this Court is of the opinion that the interest of the State can be protected by denying the appellants the benefit of interest for 5518 days in view of the law laid down by 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 application is allowed. The delay of 5518 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation for the abovesaid delay period.

CM stands disposed of.

CM-4924-CI-2018

The present application has been filed for impleading the legal representatives of the deceased Jagjit Singh-appellant No.2 and Mohan Singh-appellant No.3, who had expired on 04.01.1994 and 20.03.2004, respectively. The names of legal representatives have been mentioned in paragraph Nos.3 & 4 of the application. It has also been mentioned that there are no other legal heirs of the deceased appellants except the applicants mentioned in paragraph Nos.3 & 4. The application is supported by the affidavit of Harpreet Singh son of deceased Jagjit Singh.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph Nos.3 & 4 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings. The amended memo of parties is taken on record. Office to append the same at the appropriate place.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award dated 30.11.2000 passed by the Reference Court, Bathinda. The land was acquired vide notification dated 15.12.1988 issued under Section 4 of the Act, for setting up Cattle Fare Ground in village Maur Kalan/Mandi. While dealing with the said award in a bunch of appeals, lead case of which was **RFA No.3154 of 2003 'Madan Lal and others Vs. State of Punjab'** this Court on 22.01.2018 had fixed the market value @ ₹2,23,995/- per acre. The relevant portion of the said judgment reads as under:-

“The fact that there was no construction in the near vicinity and for developing the area necessarily development cut would be required. Accordingly, this Court is of the opinion that a 50% cut is liable to be fixed on a sum of ₹92.56 per square yard. The market value would be assessed @ ₹46.28 per square yard and it would come to ₹2,23,995/- per acre. The cut is on two accounts, one is 25% on development cut and second is on account of the fact that the acquisition is at the stage when the State was under the shadow of terrorism. Accordingly, the appeals are partly allowed to that extent.

It is further clarified that the land owners shall be entitled to all the statutory benefits and the amount of solatium would form an integral part on which the land owner would be entitled for the benefit of interest as per the statutory provisions. It is further clarified that since the State has not preferred any appeals against the vendees Ashwani Kumar and Ravi Kumar and they would be entitled for the

benefits as assessed by the Reference Court and there would be no reduction in their case. However, they would be entitled for the statutory benefits as stated above.

Accordingly, the appeals are partly allowed.”

Accordingly, the present appeal is also allowed in the same terms. However, the appellants shall not be entitled for interest on the enhanced amount for the delay period i.e. 5518 days.

SEPTEMBER 23, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

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