

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.2457 of 2018 (O&M)

Date of Decision: 05.09.2019

Ram Dass & Ors.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. CS Singhal, Advocate for
Mr. Vikrant Hooda, Advocate for the appellants

Mr. Shivendra Swaroop, AAG Haryana

G.S. SANDHAWALIA, J. (Oral)

CM-5416-17-CI-2018

Applications have been filed for condonation of delay of 2960 days in re-filing the appeal as well as disposing of the appeal in terms of the judgment passed Civil Appeal No.19175 of 2017 @ SLP (C) No.16416 of 2016 decided on 17.11.2017.

The ground taken in the application for condonation is that the appeal was filed on 04.09.2009 and due to some objection, it was re-filed on 09.12.2009. Eventually the appeal was re-filed on 09.05.2013. It is mentioned that in 2013 the counsel who had given the brief to the present counsel died and therefore the landowners could not be contacted and thus the delay has occurred.

Respondents have filed reply opposing the prayer made in the application.

Keeping in view the fact that the record shows that the appeal was initially filed on 04.09.2009 and certain objections were raised by the Registry on different occasions and the referring counsel expired thus

Keeping in view the averments made in the application which is duly supported by affidavit, the delay of 2960 days in filing the appeal is condoned.

CM stands disposed of.

Main case

The present appeal is directed against the award dated 12.03.2008 passed by the Reference Court, Jhajjar against the notification dated 12.05.1995 whereby land was acquired for the public purpose for development and utilization of land as residential and commercial site in Sector 9 & 9A Bahadurgarh. It is not disputed that in **Civil Appeal No.19175 of 2017 @ SLP (C) No.16416 of 2016 Rajender Singh & Ors. vs. State of Haryana & Ors.** decided on 17.11.2017, the market value has been fixed @ Rs.12 lakhs for the entire land. The relevant portion reads as under:-

In the facts and circumstances, it is apparent that potentiality of the entire land was the same. On one side there was National Highway, on other side there was State Highway and, the land was falling in between. The entire land was capable of being used for residential/commercial purposes. The sale deed P-12 was for approx. 1 acre of the land by which the land was sold at the rate of Rs.19,36,000/- per acre.

The acquisition in the question had been made two years thereafter; thus, giving approx. 10% to 11% increase per annum, the amount would come at approx. 24,00,000/- per acre. Making deduction of 50% for development, the amount comes to Rs.12,00,000/- per acre, which we grant uniformly for

the entire land. Belting system, applied by the High Court, is hereby set aside.

The amount so determined shall carry statutory benefit as envisaged under the Act. The appeal is accordingly allowed to the aforesaid extent.

Resultantly, the appeal is disposed in same terms.

Ordered accordingly.

05.09.2019

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(G.S. Sandhawalia)
Judge

- 1. Whether speaking/reasoned?*
- 2. Whether reportable?*

Yes/No
Yes/No