

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

**RFA No.3160 of 2018 (O&M)
Decided on : 11.02.2019**

Krishan and others

... Appellants

Versus

State of Haryana and another

... Respondents

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

Present: Mr. Arun Gupta, Advocate for
Mr. N.D. Achint, Advocate for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-6950-CI-2018

Application under Section 5 of the Limitation Act for condonation of delay of 2487 days in filing the present appeal has been filed.

Keeping in view the averments made in the application and the fact that for the notification dated 06.12.2001 issued under Section 4 of the Land Acquisition Act, 1894, the market value has been fixed in **RFA No.5758 of 2009 'State of Haryana and another Vs. Subh Ram and others'** and other connected matters decided on 22.01.2016, the application is allowed conditionally. Keeping 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 appellants will not be entitled for the benefit of interest on the enhanced

compensation for the delay period of 2487 days in filing the appeal. The delay of 2487 days in filing the appeal is condoned.

CM stands disposed of.

Main appeal

The present appeal is directed against the Award of the Reference Court, Gurgaon dated 01.05.2009, whereby ₹660/- per square yard for the notification in question was fixed as the market value, for the land falling in villages Tikri and Islampur, Tehsil & District Gurgaon, which was acquired for the public purpose for the development and utilization of land for sector master road, Sector-48, Gurgaon.

This Court in **Subh Ram (supra)** has enhanced the market value from ₹660/- per square yard to ₹65,08,000/- per acre. The relevant portion of the said judgment reads as under:-

“The appeals filed by the land owners are allowed to the extent indicated above. The land owners in all these appeals are held entitled to receive the compensation at the rate of Rs.65,08,000/- per acre for their acquired land, from the date of notification under Section 4 of the Act. Besides this, the landowners shall also be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.

Resultantly, with the observations made above, all these 83 appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.”

Counsel for the State has candidly pointed out that the landowners appeals bearing **SLP Nos.14548-14560 of 2016 'Jagdish and others Vs. State of Haryana and others'** had been dismissed on

19.09.2017 and he has no instructions whether the State has preferred any SLP or not.

Resultantly, the present appeal is allowed in the same terms except the benefit of interest on the enhanced compensation for the delayed period of 2487 days in filing the appeal will not be paid to the appellants.

FEBRUARY 11, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No