

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.3908 of 2018 (O&M)

Date of Decision: 29.03.2019

Bhim Singh & Anr.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Sandeep Lather, Advocate for the appellants

Ms. Vibha Tewari, AAG Haryana

G.S. SANDHAWALIA, J.

Delay in filing

Application has been moved for condonation of delay of 2637 days in filing the appeal.

Keeping in view the averments made in the application which are duly supported by affidavit, the delay of 2637 days in filing the appeal is condoned conditionally in view of the judgment of the Apex Court in *Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437* and *Dhiraj Singh (deceased) through LRs Vs. Haryana State & others 2015 (2) RCR (Civil) 507*, as interest of the State can be protected by denying the interest on the enhanced amount for the period of delay of 2637 days in filing the appeal. It is made clear that the appellant shall not be entitled to interest on the enhanced amount in case the appeal is allowed.

Accordingly, the application stand disposed of.

Main case

The present appeal under Section 54 of the Land Acquisition Act, 1894 is directed against the award dated 19.02.2011 of Reference Court, Sonapat for the notification dated 21.11.2002.

Counsel submits that the matter is covered by the decision in **RFA-3328-2008 Shingari Devi (deceased) through LRs and others vs. State of Haryana and others** decided on 03.11.2015 whereby the market value has been enhanced from ₹ 4,26,000/- per acre for the notification dated 21.11.2002 to ₹ 10 lakhs per acre for the land abutting GT road upto a depth of 2 acres and ₹ 5,80,000/- (rounded off) per acre for the rest of the land located behind that. The relevant portion reads as under:-

“14. Considering the aforesaid facts, in my opinion, the landowners deserve to be granted increase @ 12% per annum for the time gap of five years on the value of the land as assessed in Umed Singh's case (supra), where notification under Section 4 of the Act was issued on 17.9.1997 pertaining to the adjoining land and applying the same principle regarding belting, the landowners are held entitled to compensation @ ₹ 10,00,000/- per acre for the land abutting GT road upto a depth of 2 acres and ₹ 5,80,000/- (rounded off) per acre for rest of the land located behind that. The landowners shall also be entitled to all the statutory benefits available to them under the Act.

15. For the reasons mentioned above, the appeals filed by the landowners are allowed and the appeals filed by HSIIDC are dismissed.”

The appeal is accordingly disposed of in above-terms. Ordered accordingly.

However, it is clarified that the interest benefit for the delayed period of 2637 days in approaching this Court shall not be granted to the landowners.

29.03.2019

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**(G.S. Sandhawalia)
Judge**

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

Yes/No
Yes/No