

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA No. 4789 of 2018(O&M)
alongwith connected matters
Date of Decision: 04.11.2019

Geeta Devi *Petitioner*
V/s.
State of Haryana and others*Respondents*

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

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Present:- None.

G.S. SANDHAWALIA,J(ORAL).

Applications for condonation of delay in re-filing

Applications under Section 5 of the Limitation Act have been
filed for condonation of delay of 1648 days in re-filing the appeal.

None has put in appearance on behalf of the parties as Members
of the Bar are abstaining from work on account of Tees Hazari incident.

It has been averred in the applications that the appeal were filed
on 21.11.2013 against the award dated 17.08.2013 and were returned with
certain objections by the office on 26.12.2013. Further, due to mistake of
clerk of the counsel, the brief of the cases were mixed in the bundle of
decided cases and for that reasons, delay of 1648 days in re-filing the
appeals has occurred. It is also averred that the delay is neither intentional
nor willful on the part of the applicant.

In view of the averments made in the applications, which are
duly supported by affidavits as well as the fact that the landowners cannot
be prejudiced on account of the fault of the counsel's office, the delay of
1648 days in re-filing the appeals is hereby condoned.

CMs stand disposed of.

Main Case

The present judgment shall dispose of above referred 19 appeals i.e. RFAs-4789, 4791, 4793 to 4795, 4797 to 4799, 4801, 4802, 4804, 4812, 4814 to 4818, 4820 & 4824-2018 (O&M) as the common question of law and the facts are involved in all the aforementioned cases. For brevity, the facts are being extracted from RFA No. 4789-2018 (O&M), titled as Geeta Devi vs. State of Haryana and others.

The notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 13.01.2010, followed by notification under Section 6 of the Act on 24.01.2010 whereby the land measuring 81.99 acres falling in village Dhankot was acquired for the development and utilization for Sector roads of Sectors 99 to 115 at Gurgaon. The Collector's award was passed on 31.3.2010 granting Rs.60,00,000/- per acre .

While dealing with the award passed on 17.08.2013 in RFA No. 7185 of 2013 (O&M) titled as Subhash Kumar vs. State of Haryana and others decided on 23.10.2019 for village Dhankot, this Court has fixed the market value while allowing the appeals of the landlords at ₹ 3,08,55,000/- per acre alongwith the statutory relief. The relevant portion reads as under:-

“11. Counsel for the State is well justified to submit that the enhancement for the intervening period in the present set of fact and circumstances and the lack of evidence regarding the increase in prices would not entitle the landowners for more than 10% enhancement on cumulative basis.

12. Accordingly, 10% cumulative increase is granted on ₹ 2,55,00,000/- for the intervening period of 2 years, whereby the market value would work out @ ₹ 3,08,55,000/- per acre alongwith all statutory benefits.

13. Resultantly, the appeals and cross-objections of the landowners are allowed and the appeals of the State are dismissed.

14. All pending civil miscellaneous applications in which no separate orders have been passed, also stand disposed of, accordingly.”

The matter is squarely covered by the judgment dated 23.10.2019 in Subhash Kumar's case (supra), as the same award was subject matter of consideration and the present appeal is also disposed of in the same terms.

November 04, 2019
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(G.S. SANDHAWALIA)
JUDGE

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