

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

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**CM-1375-CI-2018 in/and**

**RFA No.523 of 2018**

**Date of Decision: 10.07.2019**

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Rai Singh (D) thru. LRs & Ors.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

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

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Present: Mr. SP Khatri, Advocate for the appellants

Mr. Shivendra Swaroop, AAG Haryana

Mr. Pritam Singh Saini, Advocate for HSIIDC

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**G.S. SANDHAWALIA, J. (Oral)**

**CM-1375-CI-2018**

Application for condonation of delay of 2262 days in filing the appeal has been filed against the award of the Reference Court, Sonapat dated 09.04.2011.

Resultantly, keeping in view 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*, the delay of 2262 days in filing the appeal is condoned. However, the appellants shall not be entitled for the interest element, for the said period of delay on the enhanced compensation.

CM stands disposed of.

**Main case**

The notification in question is dated 13.08.2004 and the land was acquired for the village Jatheri for construction of KMP Expressway connecting NH-I, Sonapat. The Reference Court declined to grant any enhancement awarded by Land Acquisition Collector of Rs.12.50 lakhs per

the Reference Court. This Court in **RFA No.4101 of 2008 HSIDC (Now Haryana State Industrial & Infrastructure Development Corporation vs. Rajesh Kumar-II & Ors.** decided on 05.07.2019 enhanced the compensation of village Jatheri to Rs.19 lakhs and the awards dated 18.01.2008 and 09.04.2011 were also subject matter of consideration in the set of appeals. The relevant portion is as under:-

*“189. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-*

*(i) For the first notification dated 13.08.2004, for the land falling in Villages Badh Malik and Pritampura, the market value would be Rs.21,00,000/- per acre. For Jatheri and Akbarpur Barota, Rs.19,00,000/-. For the lands of Villages Abaspur and Chattera Bahadur, acquired by second notification dated 27.08.2004, the market value would work out to Rs.17,00,000/-. The landowners would also be entitled to 50% severance on the market value on account of the statutory restrictions imposed on the balance land and the expressway making the other portion of the land non-viable for cultivation on account of denial of access. However, the benefit of solatium and interest element under Section 23(1-A) and Section 23(2) would not be payable on the amount of severance.*

*(ii) For the third notification dated 30.06.2005, for Villages Badh Malik, Pritampura and Rasoi, uniform compensation @ Rs.29,54,000/- per acre along with all statutory benefits, is granted.*

*(iii) For the fourth notification dated 16.11.2005, for Villages Rasoi, Rs.52,80,000/- per acre along with all statutory benefits, is granted.*

*(iv) For the fifth notification dated 17.11.2005, for the land falling upto the depth of 2 acres (440 feet) of the National Highway, market value is assessed @ Rs.38,50,000. For the other land falling in Villages Badh Khalsa, Firozpur Khadar, Abaspur, Badh Malik and Patla, the market value is assessed @*

*Rs.35,00,000/- along with all statutory benefits. For Villages Jakholi, Sewli, Khewda and Bahalgarh, the market value is assessed @ Rs.31,50,000/- per acre along with all statutory benefits.*

*(v) For the sixth notification dated 28.03.2006, for Villages Jatheri, Rs.35,00,000/- per acre is granted along with all statutory benefits.*

*(vi) For the seventh notification dated 22.06.2006 for Villages Badh Malik, Pritampura, Jatheri, Liwan, Rai and Badh Khalsa, Rs.42,30,000/- per acre is granted upto the depth of 2 acres (440 feet) and for the balance land, market value is assessed @ Rs.40,50,000/- per acre, along with all statutory benefits.*

*(vii) For the eighth notification dated 05.03.2007, for Villages Badh Malik, Pritampura and Rasoi, the market value is assessed @ Rs.45,00,000/- per acre along with all statutory benefits.*

*(viii) Resultantly, the appeals alongwith cross-objections filed by both the landowners and the State are disposed of. In appeals where delay has been condoned conditionally, the benefit of interest on the enhanced compensation for the period of delay in filing the appeals shall not be granted to the landowners, as specified in the orders condoning the delay. All the pending civil miscellaneous applications also stand disposed of.*

*(ix) The State shall also comply with the directions laid down by the Apex Court in '**HSI IDC Vs. Pran Sukh**' (2010) 11 SCC 175, to ensure that the landowners are not fleeced by the middleman, which read as under:*

*(a) The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tahsildar, who shall get in touch with all the landowners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.*

*(b) The concerned officers shall also instruct the land owners and/or their legal representatives to open savings*

*bank account in case they already do not have such account.*

*(c) The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months.*

*(d) The Land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners.”*

The present case is covered by the said decision. Accordingly the appeal is allowed in same terms.

**10.07.2019**

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

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

**Yes/No**  
**Yes/No**