

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

RFA No.660 of 2018 (O&M)

Diwan Chand and others

... Appellants

Versus

State of Punjab and others

... Respondents

(2)

RFA No.727 of 2019 (O&M)

Bachan Singh

... Appellant

Versus

State of Punjab and others

... Respondents

Decided on : 09.04.2019

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

Present : Mr. Tarunveer Vashist, Advocate
for the appellants in RFA No.660 of 2018.

Mr. F.S. Virk, Advocate
for the appellant in RFA No.727 of 2019.

Ms. Simran Grewal, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

Delay applications

Applications under Section 5 of the Limitation Act for condonation of delay of 1593/2173 days in filing the present two appeals have been filed.

The State has chosen not to file reply to the applications, in spite of having been put to notice.

Accordingly, keeping in view the averments made in the

applications and the fact that the matter is covered by the judgment dated 06.05.2016 passed in **RFA No.2999 of 2013 'Wirsa Singh Vs. State of Punjab and others'**, whereby the compensation has been fixed @ ₹15,95,600/- per acre for the land falling in village Gulahar, Tehsil Patran, District Patiala. The land was acquired vide notification dated 20.11.2006 issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') and the delay is liable to be condoned by ensuring that the interest of the State can be protected by denying the appellants the benefit of interest for 1593/2173 days 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 applications are allowed and the delay of 1593/2173 days in filing the appeals is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation for the abovesaid period.

CMs stand disposed of.

Main appeal

The present appeals filed under Section 54 of the Act are directed against the Award of the Reference Court, Patiala dated 18.02.2013 and 30.11.2012, whereby the Court has refused to grant enhancement, for the notification in question.

As noticed above, in **Wirsa Singh (supra)** for the said village, the amount was quantified as under:-

“Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that since the land of Khanori Kalan was an urban land, it cannot be equated with the land of village Gulahar. Learned counsel for the State has been found well justified in contending that the acquired land out of the revenue estate of village Gulahar can be equated only with the land of village Banarsi and Andana. It is so said because learned counsel for the appellant-land owner could not substantiate his abovesaid argument to get the land of village Gulahar equated with the land of Khanori Kalan and rightly so, it being a matter of record.

Keeping in view the totality of facts and circumstances of the case and while striking a balance between the parties, with a view to do complete and substantial justice, this Court is of the considered opinion that acquired land in the present set of cases can be equated not with the land of Khanori Kalan but with the land of villages Banarsi and Andana. Ordered accordingly.

Consequently, the land owner(s), in the instant set of appeals, are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.15,95,600/- per acre from the date of notification under Section 4 of the Act. Besides this, the land owner(s)-appellant(s) shall also be entitled for all other statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the observations made above, all these 25 appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.”

Counsel for the landowners have further pointed out that the said judgment has been further upheld in **SLP Nos.6671-6695 of 2017**

RFA Nos.660 of 2018 and 727 of 2019 (O&M)

'State of Punjab and others Vs. Wirsu Singh' decided on 03.04.2017.

Resultantly, the matter being covered, the present appeals are also disposed of in the same terms. It is, however, made clear that the benefit of interest on the enhanced compensation for the delayed period of 1593/2173 days shall not be paid to the landowners.

Disposed of.

APRIL 09, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No