

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

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**RFA No.4121 of 2019 (O&M)
Decided on : 09.12.2019**

Dharambir and another

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Ms. Vandana Sharma, Advocate for
Mr. Rajesh Lamba, Advocate for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-10522-CI-2019

Application under Section 5 of the Limitation Act for condonation of delay of 1048 days in filing the present appeal has been filed.

Keeping in view the averments made in the application and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for 1048 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 application is allowed, conditionally.

The delay of 1048 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

Present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is against the Award dated 01.06.2013 passed by the Reference Court, Faridabad, whereby the land falling in village Bhatola was acquired vide notification dated 07.02.2008 issued under Section 4 of the Act and a sum of ₹1052/- per square yard as market value has been granted.

The Reference Court has relied upon the Award dated 22.01.2013 passed in LA Case No.1192 of 2011 '**Dushyant Kumar and others Vs. State of Haryana and others**', whereby the market value for village Fajjupur Majra Neemka had been assessed at the same rate.

This Court in RFA No.7108 of 2012, '**Rampal and others (II) Vs. Land Acquisition Collector and another**' and other connected appeals decided on 31.05.2019, has dealt with said notification and both the Awards dated 01.06.2013 pertaining to Bhatola and 22.01.2013 of the other village. Resultantly, the market value has been fixed @ ₹1551/- per square yard (₹75,06,840/- per acre). The relevant portion of the said judgment read as under:-

“Relief

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

(i) For the first notification dated 01.05.2006, for the land of village Sihi, which was falling within the limits of Municipal Corporation, Faridabad, the market value would be Rs.1351/- per square yard (Rs.65,38,840/- per acre). The market value is fixed @ Rs.1229/- per square yard (Rs.59,48,360/- per acre) for villages Badoli/Baroli, Sihi, Murtazapur, Pehladpur and

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Bhatola, not falling in the municipal limits.

(ii) For the second notification dated 07.02.2008, the market value for the villages Bhatola, Murtazapur and Badoli/Baroli, is fixed @ Rs.1551/- per square yard (Rs.75,06,840/- per acre) and for other three villages i.e. Fajjupur Majra Neemka, Neemka, Faridpur, the market value is fixed @ Rs.1410/- per square yard (Rs.68,24,400/- per acre).

(iii) For the third notification dated 14.08.2008, the market value is fixed @ Rs.3300/- per square yard (Rs.1,59,72,000/- per square yard) for the land falling within the limits of Municipal Corporation, Faridabad of villages Budhena, Baselwa and Mawai. For the other land of the said villages, the market value is fixed @ Rs.2970/- per square yard (Rs.1,43,74,800/- per acre).

(iv) For the land falling in villages Badoli/Baroli, Pehladpur and Wazirpur, for the notification dated 14.08.2008, the market value is fixed @ Rs.2129/- per square yard (Rs.1,03,04,360/- per acre). For the lands of villages Palwali, Badshahpur, Bhatola and Murtazapur the market value is fixed @ Rs.1936/-per square yard (Rs.93,70,240/- per acre). And for the land falling in the last belt of the notification dated 14.08.2008 in villages Neemka, Fajjupur Majra Neemka, Kheri Khurd, Faridpur, Kheri Kalan, Bhupani, Riwaypur and Tikawali, the market value is fixed @ Rs.1760/- per square yard (Rs.85,18,400/- per acre).”

Accordingly, the present appeal is also allowed in the same terms. However, it is made clear that the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the delay period of 1048 days.

DECEMBER 09, 2019

Naveen

Whether speaking/reasoned:
Whether Reportable:

(G.S. SANDHAWALIA)
JUDGE

Yes/No
Yes/No