

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

RFA Nos. 2495 and 2642 of 2019 (O & M)

Date of decision: 12.02.2020

Razzak and others

....Appellant(s)

Versus

Haryana State and others

...Respondent(s)

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

Present: Mr. Randhir S. Hooda, Advocate,
for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

Exemption Applications

Allowed as prayed for.

Filing Applications

Applications have been filed for condonation of delay of 3237-3269 days in filing the appeals.

Notice in the applications.

Ms. Vibha Tewari, AAG, Haryana accepts notice.

It is pointed out that the connected matters have been remanded and the interest of the State can be protected by denying the interest for 3237-3269 days in case the Reference Court decides in favour of the land owners.

Accordingly, the applications are allowed conditionally keeping in view the law laid down by the Apex Court in *Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133* and *Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others,*

2014 (14) SCC 127 that the appellants shall not be entitled for the benefit of interest for 3237-3269 days on the enhanced compensation in case the appeals are allowed.

Delay condoned.

L.R. Application in RFA No. 2642 of 2019

The present application has been filed for bringing on record legal representatives of deceased-appellant no. 1 namely Hamid Hussain who is stated to have died on 17.07.2014. The details of legal representatives have been mentioned in para no. 2 of the application. It has further been averred that there are no other legal representatives of the deceased-appellant no. 1 except the ones mentioned in para no. 2. The application is supported by affidavit of Wasim Akram, son of the deceased-appellant no. 1.

Accordingly, the application is allowed. Persons mentioned in para no. 2 of the application are allowed to be brought on record as legal representatives of deceased-appellant no. 1 only for the purpose of pursuing the present appeal. The present order shall not ensure any benefit in any other set of proceedings.

Main Appeals

This order shall dispose of 2 appeals i.e. RFA Nos. 2495 and 2642 of 2019, as common questions of facts and law are involved in both the appeals. Reference is being made to ***RFA No. 2495 of 2019, Razzak and others vs. Haryana State and others.***

Counsels are agreed that for the notification dated 29.09.2005, this Court in ***RFA No. 3552 of 2010 titled Om Parkash and others vs. State of Haryana*** decided on 31.01.2019, remanded the bunch of 82 appeals

to the Reference Court. The said order also dealt with the two villages in question namely Roopaheri and Khor and the awards dated 15.03.2010 and 15.04.2010. It is further pointed out that the matters are still pending before the Reference Court after remand.

Resultantly, the present appeals are disposed of in the same terms as in *Om Parkash's case (supra)*. It is made clear that the appellants shall not be entitled for the benefit of interest for 3237-3269 days on the enhanced compensation in case the appeals are allowed.

Parties shall appear before the District Judge, Mewat at Nuh on 26.02.2020. The District Judge shall assign the cases to the same Court which is already dealing with the earlier remanded cases.

12.02.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No