

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

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**RFA No.3490 of 2019 (O&M)
Decided on : 13.01.2020**

Chatar Singh and another

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Adarsh Jain, Advocate
for the appellant.

G.S. Sandhawal, J. (Oral)

CM-8568-CI-2019

The present application has been filed for impleading the legal representatives of the deceased Sarda Ram-appellant No.2, who had expired on 25.05.2009. The names of legal representatives have been mentioned in paragraph No.2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No.2. The application is supported by affidavit of Amit, grandson of deceased appellant-Sarda Ram.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph No.2 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-8569-CI-2019

Application under Section 5 of the Limitation Act for condonation of delay of 2311 days in filing the present appeal has been filed.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the respondents/State.

Keeping in view the averments made in the application, duly supported by affidavit and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for 2311 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 2311 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

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award of the Reference Court, Faridabad dated 22.01.2013, whereby a sum of ₹1,052/- per square yard has been awarded for the land which was

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acquired vide notification dated 07.02.2008 falling in village Fajjupur Majra Neemka. The Reference Court has relied upon sale deed dated 23.12.2005 vide which land measuring 15 kanals 6 marlas had been sold @ ₹1,200/- per square yard, on which 30% cut was applied to fix the market value @ ₹1,052/- per square yard.

The said Award dated 22.01.2013 was also subject matter of consideration in **RFA No.7108 of 2012 'Rampal and others (II) Vs. Land Acquisition Collector and another'** decided on 31.05.2019. Resultantly, this Court has fixed the market value @ ₹1410/- per square yard (₹68,24,400/- per acre). Relevant portion of the said judgment reads 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 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 acre) 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, Riwajpur and Tikawali, the market value is fixed @ Rs.1760/- per square yard (Rs.85,18,400/- per acre).”

Resultantly, the present appeal is also disposed off in the same terms. However, the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the period of delay in filing the appeal i.e. 2311 days.

JANUARY 13, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No