

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.4244 of 2019 (O&M)

Decided on : 17.02.2020

Rinku Bala Singh

... Appellant

Versus

State of Haryana & others

... Respondents

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

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

G.S. Sandhawalia, J. (Oral) :-

CM-10798-CI-2019

Notice in the application for condonation of delay of 1035 days in filing the appeal.

Ms.Vibha Tewari, AAG, Haryana accepts notice on behalf of the State.

Accordingly, keeping in view the law laid down in the judgments of the Apex Court passed 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** and in view of the averments made in the application, duly supported by affidavit, delay of 1035 days in filing the present appeal is condoned. Condition is put that the appellant shall not be entitled for the benefit of interest for the said period on the enhanced compensation.

CM stands disposed of.

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Present appeal, filed under Section 54 of the Land Acquisition Act, 1894, against the award of the Reference Court, Faridabad dated 28.07.2016, for the notification dated 14.08.2008. The land falls in Village Palwali, as per the memo of parties. The Reference Court has assessed the market value @ Rs.1870/- per sq.yard, while placing reliance upon the

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earlier judgment of this Court in RFA-7108-2012 titled *Ram Pal & others Vs. Land Acquisition Collector & another*, decided on 16.09.2015. It is not disputed that the said judgment was set aside by the Apex Court and the matter was remanded to this Court, for fresh decision. For the said notification in question, this Court, in RFA-7108-2012 titled *Ram Pal & others (II) Vs. Land Acquisition Collector & another*, decided on 31.05.2019, awarded as sum of Rs.1936/-per square yard (Rs.93,70,240/- per acre) for the land falling in the said village. Relevant portion of the judgment reads as under:

“Relief

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

(i) (ii) (iii)

(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).”

Accordingly, the present appeal is also disposed of in the same terms. However, the appellant shall not be entitled for interest on the enhanced compensation for the period of 1035 days.

February 17th, 2020

sailesh

Whether speaking/reasoned:

Whether Reportable:

(G.S. SANDHAWALIA)

JUDGE

Yes/No

Yes/No