

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

203

**RFA No.2487 of 2018 (O&M)
Decided on : 09.01.2020**

Baldev Singh

... Appellant

Versus

State of Punjab and another

... Respondents

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

Present: Mr. R.K. Rathore, Advocate for
Mr. Naresh Kaushal, Advocate for the appellant.

Ms. Kanica Sachdeva, AAG, Punjab

G.S. Sandhawalia, J. (Oral)

CM-5463-CI-2018

Application under Section 5 of the Limitation Act for condonation of delay of 3343 days in filing the present appeal against the Award dated 12.09.2008 passed by the Reference Court, SAS Nagar, Mohali has been preferred.

It has been averred that after the acquisition the appellant had bought land and settled in Haryana and, therefore, the appeal could not be filed on time. It has further been brought to the notice of this Court that the matter has been decided upto the Apex Court and market value has been fixed @ ₹8,80,000/- per acre vide judgment dated 15.01.2014.

The said judgment has also been placed on record by the State in its reply to the application for condonation of delay as Annexure R-1/1.

Accordingly, keeping in view the above and in view of the fact that the interest of the State can be protected by denying the appellant the benefit of interest for 3343 days in view of the law laid down by the Apex

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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 3343 days in filing the appeal is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

The Reference Court has granted compensation @ ₹6,50,000/- per acre to the land which was acquired vide notification dated 12.11.1992 falling in village Kumbra, for the purpose of setting up of residential Urban Estate.

The Coordinate Bench of this Court while dealing with the said notification, in a bunch of cases, lead case of which was **RFA No.2348 of 1998 'Kapoor Singh Vs. The State of Punjab and another'** decided on 28.01.2010, had fixed the market value @ ₹7,80,000/- per acre. The matter was taken to the Apex Court by the landowners in **Civil Appeal No.331 of 2014 'Paramjit Panag and others Vs. State of Punjab'**. The Apex Court dealt with two notifications vide the said order; one is pertaining to decision of **RFA No.3004 of 2006 'Surjit Singh Vs. State of Punjab and another'** decided on 02.03.2009 wherein enhancement of ₹2 lakhs per acre was granted whereas enhancement of ₹1 lakh per acre was granted in the

appeals arising out of **Kapoor Singh's case (supra)**. The relevant portion of the said judgment reads as under:-

“8.1 These appeals filed by the land-owners are directed against the judgment and order passed by the High Court of Punjab and Haryana in RFA No.2348 of 1998 Etc. (Kapoor Singh Etc. Etc. vs. State of Punjab Etc. Etc.), dated 28.01.2010.

8.2 Heard learned counsel for the parties to the *lis*.

8.3 In the peculiar facts and circumstances of these cases, we are of the view that the compensation awarded by the High Court requires to be increased. Accordingly, we enhance the compensation payable to the land-owners to another Rs.1,00,000/- per acre payable by the Greater Mohali Area Development Authority (for short 'the GMADA') with interest and solatium as prescribed under the Statute from the date of the orders passed by the High Court. The said enhanced amount shall be deposited by the GMADA within three months' time from today.

9. The Civil Appeals are disposed of accordingly.

10. In view of the order passed in Civil Appeal Nos.738-748 of 2014 @ S.L.P. (C) Nos.28368-28378/2010, these matters also disposed of on the same terms, observations and directions.

Ordered accordingly.

11. However, it is made clear that this order is restricted to only those parties who have approached this Court.”

Resultantly, it is apparent that the market value as such is fixed @ ₹8,80,000/- per acre.

Counsel for the State has though contended that the order is restricted only to who approached the Apex Court and, therefore, the additional amount of ₹1 lakh is not liable to be paid.

In the considered opinion of this Court, it is settled principle that compensation to the landowners is to be paid at the same rate, once

the land was acquired under the principle of '*eminent domain*'. Once the market value has been fixed upto the Apex Court, the landowners have a right, once they have to resorted to their legal remedies. Reference can also be made to the provisions of the Section 28A of the Act and the judgment of the Apex Court passed in '**Narendra Vs. State of U.P.' 2017 (9) SCC 426**. Resultantly, the objection by the State on this ground is rejected.

Accordingly, the present appeal is allowed in the same terms and the landowner is entitled for compensation @ ₹8,80,000/- per acre alongwith all statutory benefits. However, the benefit of interest on the enhanced compensation for the period of delay in filing the appeal i.e. 3343 days shall not be granted to the appellant.

JANUARY 09, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No