

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

205

**RFA No.4013 of 2018 (O&M)  
Decided on : 17.02.2020**

Balmy Kesar (deceased) th LRs ... Appellants  
Versus

Land Acquisition Collector (SDO-C), Ajnala & others ... Respondents

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

Present: Mr.Dheeraj Mahajan, Advocate, for  
Mr.Veneet Sharma, Advocate, for the applicant/appellants.

Ms.Maloo Chahal, DAG, Punjab.

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

**CM-9262-CI-2018**

Application has been filed for bringing on record the legal representatives of deceased-appellant No.1-Balmy Kesar, who is stated to have expired on 19.11.2011, leaving behind his legal representatives, as mentioned in para No.2 of the application. It is further stated that there are no other legal representatives.

Accordingly, in view of the averments made in the application, duly supported by affidavit of son of deceased-appellant No.1, Navjeet Kesar, same is allowed. Legal representatives, as mentioned in para No.2 of the application are allowed to be brought on record, only for the purpose of pursuing the present litigation.

CM stands disposed of.

**CM-9261-CI-2018**

Reply to the application for condonation of delay of 5437 days in filing the appeal, has not been filed.

Accordingly, keeping in view the law laid down in the

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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 5437 days in filing the present appeal is condoned. Condition is put that the appellants shall not be entitled for the benefit of interest for the said period on the enhanced compensation.

CM stands disposed of.

CM-11797-CI-2018 in/and RFA-4013-2018

Application has been filed for disposal of the present appeal, filed under Section 54 of the Land Acquisition Act, 1894, against the award of the Reference Court, Amritsar dated 12.04.2003, being covered by the decision dated 11.05.2018 passed in **RFA-103-2007** titled *SDO (Civil), Ajnana, acting as Land Acquisition Collector, Ajnala & another Vs. Rajiv Puri & others*. The Reference Court had declined to grant any enhancement as the landowner had not even appeared in the witness-box to lead evidence for the enhancement of market value of the land which has been acquired.

A perusal of the award would go on to show that the same was passed qua the notification dated 19.08.1997 for acquisition of the land of Villages Raja Sansi and Jand Bodla. The Land Acquisition Collector had granted a sum of Rs.5 lakhs per acre within the depth of 1 acre from the road and Rs.4.5 lakhs per acre beyond the said depth. In

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**Rajiv Puri** (supra), this Court, while dealing with the acquisition of 18.08.1997, for the land falling in Villages Rajasansi, Radala and Heir, for which the same amount of compensation had been granted, has increased the market value from Rs.6,60,000/- per acre, as awarded by the Reference Court vide its awards dated 14.02.2006 & 19.04.2006, to Rs.7,20,000/- per acre along with statutory benefits. The appeals of the State have been dismissed and the appeals and cross-objections filed by the landowners, were allowed. Relevant portion of the judgment reads as under:

“Resultantly, this Court is of the opinion that the percentage of cut, as such, which has been applied in the case of different landowners, to assess the market value @ Rs.6,60,000/- needs to be modified to that extent and a 10% benefit is to be granted over and above what has been awarded. Resultantly, this Court assesses the market value of the land in question @ Rs.7,20,000/- per acre along with all statutory benefits. Accordingly, the appeals and Cross-Objections, filed by the landowners are partly allowed to the extent that all the landowners are entitled to uniform compensation of Rs.7,20,000/- per acre and those of the State are dismissed.”

Accordingly, the present appeal is also disposed of in the same terms. However, appellants shall not be entitled for the interest on the enhanced compensation for the period of 5437 days.

**February 17<sup>th</sup>, 2020**  
*sailesh*

**(G.S. SANDHAWALIA)**  
**JUDGE**

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