

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

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RFA No.2281 of 2021 (O&M)

Date of decision: 02.12.2021

RAM DIYA

..Appellant

Versus

STATE OF HARYANA AND ANOTHER

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Shakti Singh, Advocate for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

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**ANIL KSHETARPAL, J (Oral)**

This appeal has been preferred along with application seeking condonation of delay of 1145 days. It has been asserted that the appellant is a 86 years old, illiterate person and was unable to arrange the funds for filing the appeal.

Some facts are required to be noticed.

The State of Haryana in order to utilise the land for the development and the utilisation of commercial and residential Sector 8, Saffidon issued a Notification under Section 4 of the Land Acquisition Act, 1894, on 23.04.2007. Some part of the acquired land belongs to the appellant. The Land Acquisition Collector vide an award No.4 dated 19.08.2010 assessed the market value of the land situated upto 2 acres from Saffidon Jind Road and Saffidon Bye pass and Gair Mumkin @ Rs.33 lakh per acre whereas remaining land which was recorded as Nehari and Chahi land was assessed @ Rs.18 lakh per acre. On the various applications filed by the appellant and other co-owners, the matter was referred to the Reference Court. The Reference Court vide an award dated 02.11.2016 decided as many as 23 references. There was a previous batch of references under Section 18 which was decided on 17.12.2013.

1894 Act, challenging the award dated 17.12.2013. The High Court redetermined the compensation vide a judgment dated 22.12.2015 passed in RFA No.1515 of 2014 (Harijan Co-operative Society Ltd. Singhpura vs. State of Haryana and anr.)

As already noticed, the reference petition filed by the appellant came to be decided on 02.11.2016 and the Reference Court assessed the amount, as per the order passed by the High Court on 22.12.2015. However, the appellant did not file any appeal. It has been brought to the notice of the Court that ultimately the market value has been redetermined by the Supreme Court vide a judgment dated 27.10.2017 passed in Civil Appeal No.2846 of 2017 (Bijender and ors. vs State of Haryana and anr.). The Hon'ble Supreme Court redetermined the compensation.

Even after the judgment delivered by the Hon'ble Supreme Court the appellant continued to sleep over the matter. This appeal has been filed on 08.10.2021. Connected appeals have already been decided not only by the High Court but also by the Hon'ble Supreme Court. The appellant was represented by a counsel before the Reference Court. The appellant was in knowledge of the proceedings pending before the different Courts at the behest of various other co-villagers. In the considered view of the Court, appellant has failed to disclose sufficient reasons for condoning the delay of more than 3 years. Keeping in view the aforesaid facts, the application as well as appeal is dismissed.

All the pending miscellaneous application(s), if any, are also disposed of.

02.12.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)**

**JUDGE**