

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

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CM-1466 to 1468-CI of 2022 in/and
RFA-9053-2014 (O&M)

Date of decision: 25.03.2022

Smt. Mukesh

..Appellant

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nav Mohit Singh, Advocate for the applicant-appellant.
Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J (Oral)

This is an application (CM No.1468-CI of 2022) for listing of the appeal and disposal of the same in terms of the judgment of the Hon'ble Supreme Court passed on 14.07.2021.

The land of the applicant along with various other owners was acquired by the State of Haryana. The notification under Section 4 of the Land Acquisition Act, 1894, was issued on 07.02.2008. The land of the applicant is located in village Neemka. Initially, the batch of regular first appeals including appeal filed by the applicant was decided on 16.09.2015 while passing the main judgment in RFA No.7108 of 2012. Various owners filed appeal before the Hon'ble Supreme Court which was allowed on 06.12.2017. The applicant also filed petition for grant of Special Leave to Appeal (Civil) diary No.9493 of 2017 which came to be disposed of on 23.03.2018 with the following order:-

“Delay condoned.

In view of the judgment of this Court dated 06.12.2017 in **Premwati and ors. Etc. vs. State of Haryana and another etc., Civil Appeal Nos.21014-21016 of 2017**, the petitioners shall be at liberty to move the High Court.

The special leave petitions are accordingly disposed of.

Pending applications, if any, shall also stand disposed of.”

After the condonation of delay, a special leave petition was assigned a number SLP (C) No.8018 of 2018.

Pursuant to the order passed by the Hon'ble Supreme Court on 06.02.2017, various appeals filed by the other owners were decided vide judgment dated 31.05.2019. Once again the appeals filed before the Hon'ble Supreme Court came to be decided vide judgment dated 14.07.2021 in **Civil Appeal No.2903 of 2021 (Banwari Lal and another vs. State of Haryana and others)**.

Learned counsel for the parties are ad idem that the notification under Section 4 of the Land Acquisition Act, 1894, in the present case is common with the other cases decided by the Hon'ble Supreme Court in **Banwari Lal and another (supra)**. However, learned State counsel has

pointed out that the present application has been filed after a delay of nearly 3 years. It has been pointed out that after the Hon'ble Supreme Court decided the matter on 23.03.2018 while granting permission to the applicant to file an application before this Court, but no application was filed for a period of nearly 3 years.

Keeping in view the aforesaid facts, the application filed by the applicant is allowed subject to the condition that the applicant shall not be entitled to interest from 24.03.2018 to 09.03.2022. With the consent of the learned counsel for the parties, the main case is taken on board today itself.

Learned counsel for the parties are ad idem that the present appeal is required to be decided in terms of the judgment passed by the Hon'ble Supreme Court **Banwari Lal and another (supra)**.

Ordered accordingly.

However, the applicant shall not be entitled to interest for the period specified while disposing of the application.

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

25.03.2022

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE