

²⁶⁰ IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-1449-CI-2022 in/and
RFA-691-2022
DECIDED ON:-17.07.2023

Balbir Singh

....Appellant..

VS.

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chanakya Batta, Advocate,
for the appellant.

Mr. Abhinash Jain, DAG, Haryana,
for respondents-State.

Mr. Pritam Singh Saini, Advocate,
for respondent-HSIIDC.

HARKESH MANUJA J.

CM-1449-CI-2022

This is an application for condoning the delay of 949 days in filing
the appeal.

Upon notice, Mr. Abhinash Jain, DAG, Haryana accepts notice on
behalf of the respondent-State, whereas, Mr. Pritam Singh Saini, Advocate
accepts notice on behalf of respondent-HSIIDC and submit that they do not
wish to file reply to the same.

As per the averments made in the application, the applicant-
appellant was under the impression that counsel representing him in lower
court, who was handed over the necessary papers, filed the appeal along
with other appellants and when the appeals were listed for hearing, he came

to know that appeal on his behalf had not been filed. Thereafter, applicant-appellant immediately contacted his counsel for filing the appeal.

Nonetheless, the other similarly situated land owners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to villages Alipur, Khangesra, Naggal, Sukhdarshanpur, Khatauli and Toka, Tehsil and District Panchkula vide judgment dated 24.11.2021.

Based thereupon, besides, applying the principle of parity, the land owner/applicant being similarly situated, is entitled for grant of similar amount of compensation, however, without any payment of interest for the period he failed to approach this Court after the decision in the reference Court. In this regard reliance can be placed upon the decision of Hon'ble Supreme Court in case of **Ningappa Thotappa Angadi (Dead) through LR's Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599.**

In view of the discussion made hereinabove, the application is allowed and delay of 949 days in filing the appeal is hereby condoned.

Main Appeal

1. Learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by this Court in RFA-4676-2017, titled as ***“Haryana State Industrial Development Corporation (now Haryana State Industrial and Infrastructure Development Corporation Limited) vs. Dhani Ram and others”*** decided on 24.11.2021, wherein also the land situated in the same revenue estates i.e. Villages Alipur, Khangesra, Naggal, Sukhdarshanpur, Khatauli and Toka, Tehsil and District Panchkula

was acquired vide notifications dated 15.12.2008 and 18.12.2009, issued under Sections 4 and 6 of the Land Acquisition Act, 1894 respectively, and for the same purpose. Para 7 thereof is relevant, which reads as under:-

“7. *Keeping in view the aforesaid discussion, it is held that the landowners shall be entitled to the market value of the acquired land at the rate of Rs.54,50,000/- per acre, along with all the statutory benefits available under the amended Land Acquisition Act, 1894, whereas. The appeals/writs filed by the HSIIDC stand dismissed.*”

2. Accordingly, the present appeal is disposed of in terms of the said decision and the appellant is held entitled for similar market value @ Rs.54,50,000/- per acre along with all statutory benefits and interest available under the amended provisions of Land Acquisition Act, 1984. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 949 days.

17.07.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No