

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

**CM-1421-CI-2019 and CM-1422-CI-2019
in/and RFA-633-2019(O&M)**

Date of Decision: July 12, 2023

SAIN DASS SINCE DECEASED THROUGH HIS LR AND ANOTHER
..... Appellants

Versus

STATE OF HARYANA AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pankaj Bali, Advocate for appellants.
Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

CM-1421-CI-2019

This is an application for seeking condonation of delay of 242 days in refilling the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 242 days in refilling the appeal is hereby condoned.

CM-1422-CI-2019

Despite notice, respondents have chosen not to file any reply. As per averments made in the application, delay mainly occurred on account of some miscommunication with their counsel before the trial Court namely Mr. Baldev Singh, Advocate who had signed their papers for the purpose of filing the appeal, however, inadvertently failed to hand over the same to the counsel before this Court, thereby resulting into aforementioned delay. Nonetheless, the appeals filed by certain other landowners, relating to same acquisition proceedings

have already been allowed by the Hon'ble Apex Court.

In view of above, applying the principle of parity and uniformity of compensation as laid down in case of **“Ningappa Thotappa Angadi vs. Special Land Acquisition Office reported as 2020(19) SCC 599**, the present application is allowed and delay of 3007 days in filing the appeal is hereby condoned, however, the applicants shall not be entitled to get interest for the period they did not approach this Court.

MAIN CASE

Land owned by the appellants was acquired vide notifications dated 02.02.2002 and 24.12.2002 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') respectively for public purpose namely for development and utilization of land as residential and commercial areas of Sector-9 part 32 and 33 in Urban Estate, Karnal. Award No.22 under Section 11 of 1894 Act was passed by Land Acquisition Collector on 21.12.2001.

Being dissatisfied, the appellants filed reference under Section 18 which came to be decided by the Reference Court vide award dated 11.08.2009 whereby the market value was enhanced at Rs.439/- per square yards besides grant of all other statutory benefits. Though, the appellants did not challenge the aforesaid award dated 11.08.2009, however, few other land owners relating to the same acquisition proceedings approached this Court by way of filing their regular first appeals, which were dismissed. The matter was taken up

before the Hon’ble Supreme Court, at the instance of those land owners and vide its decision dated 22.04.2015 passed in Civil Appeal No.3926-3940-2015 in case of ‘**Balbir Singh @ Balbir & Ors. Vs. State of Haryana and Ors.**’ the compensation came to be enhanced to Rs.500/- per square yards besides grant of other statutory benefits. The matter involved in the present appeal is squarely covered by decision of Hon’ble Supreme Court dated 22.04.2015 in case of ‘**Balbir Singh @ Balbir & Ors. Vs. State of Haryana and Ors.**’ Relevant Paragraph 12 of the aforesaid judgment is reproduced hereunder:-

“12. In the peculiar facts and circumstances of these cases, we are of the considered opinion that the amount awarded by the Reference Court be enhanced to Rs.500/- per square yard with all other statutory benefits from the date of the order passed by the High Court.”

Resultantly, the present appeal is disposed of in terms **Balbir Singh’s case (supra)** and the market value of the acquired land is thus enhanced to Rs.500/- per square yards with all other statutory benefits, however, in view of the fact that the present appeal was challenged with a delay of 3007 days, the appellants shall not be entitled to the benefit of interest for the delayed period i.e. the period for which the appellants failed to approach this Court.

Disposed of in the aforesaid terms.

12.07.2023
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(HARKESH MANUJA)
JUDGE

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

