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

**RFA No. 138 of 2022 (O&M)
Date of Decision: 01.08.2023**

Gyan Singh and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Saurabh Savara, Advocate for
Mr. Sandeep K. Sharma, Advocate
for the appellants

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-264-CI-2022

Prayer in the present application under Section 151
CPC, is for condonation of delay of 1857 days' in re-filing the
appeal.

Upon notice, no reply has been filed.

Learned State Counsel opposes the prayer made in
the present application.

I have heard learned counsel for the parties and
gone through the contents of the application, which has been
supported by an affidavit of learned counsel for the applicants-
appellants.

The reason for delay in re-filing has been the unfortunate demise of the Clerk of learned counsel for the applicants, who met with an accident on 26.09.2015, where in even the learned counsel himself received multiple injuries. Hence, the delay in re-filing the appeal occurred in a way, which is not attributable to applicant-appellant in any manner and thus, he cannot be made to suffer for the same.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to the acquired land falling in same revenue estate, to the tune of Rs. 44,62,500/- per acre, in view of judgment dated 02.03.2022 passed by this Court in ***RFA No. 458 of 2016***, titled ***“M/s Satkarta Realtors (P) Ltd. Versus State of Haryana and others”***.

Based thereupon, applying the principle of parity, besides awarding just and fair compensation and relying upon the decision of Hon'ble Supreme Court in case of ***“Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another”***, 2020 (19) SCC 599 as well as in view of the contents of application, the same is **allowed** and delay of 1857 days in re-filing the appeal is hereby condoned.

CM-265-CI-2022

Prayer in the present application is for grant of leave to implead the legal heirs of appellant No. 2-Kanhiya Lal, who died on 16.11.2015.

Application is **allowed**, as prayed for subject to all just exceptions. The person(s) mentioned in para-2 of the application are ordered to be impleaded as LR's of above appellant.

CM-266-CI-2022

Application is **allowed**, as prayed for subject to all just exceptions.

Exemption from filing the documents/annexures, as sought, is granted.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act") to modify the impugned award dated 25.08.2015 passed by learned Additional District Judge, Rohtak (hereinafter to be referred as "Reference Court") and for enhancement of the compensation amount.

[2] Paper-book reveals that State of Haryana issued a Notification dated 15.12.2006 under Section 4 of the Act for acquisition of land measuring 8.23 acres from Village Bhaiyyapur, 99.97 acres from Village Para and 398.34 acres

from revenue estate, Rohtak, which also includes land of appellants, situated in revenue estate of Mauja Rohtak. The above notification was also followed by a declaration dated 14.12.2007 under Section 6 thereof. The public purpose for acquisition of land was stated to be development for residential Sector-36-A, Rohtak.

[3] The Land Acquisition Collector, Rohtak (for short "LAC"), vide Award No. 33, dated 30.11.2009, assessed the market value of acquired land @ Rs. 20 lakhs per acre for all types of land.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act. Resultantly, the dispute was forwarded to the Reference Court for determination of the market value of the acquired land.

[5] Learned Reference Court, while passing the impugned award dated 25.08.2015, accepted 219 reference petitions including the one filed by appellants and assessed the market value of the acquired land @ Rs. 26,18,000/-, which is not abutting National Highway upto the depth of one acre, while Rs. 32 lakhs per acre qua the land which is abutting National Highway upto the depth of one acre. Aggrieved thereof, the appellants preferred the present appeal.

[6] It is contended by learned counsel for the appellants that present appeals are squarely covered with the judgment

dated 02.03.2022 passed in **RFA No. 458 of 2016, titled “M/s Satkarta Realtors (P) Ltd. Versus State of Haryana and others”**, arising out of the same notification, vide which the land of appellants had been acquired.

[7] Notice of motion.

[8] Learned State Counsel accepts notice on behalf of the respondents-State and does not dispute about the disposal of the main appeal in terms of judgment dated 02.03.2022 (*supra*); however, opposes payment of interest for the period, the applicants-appellants failed to approach this Court after the decision of Reference Court.

[9] Heard learned counsel for the parties and perused the paper-book.

[10] Learned counsel for the parties are *ad idem* that present appeal is squarely covered with the judgment dated 02.03.2022 passed in **M/s Satkarta’s case (*supra*)**, which is arising out of the same acquisition / Notification dated 15.12.2006 covering the same revenue estates **i.e. Villages Bhaiyyapur and Para as also Rohtak**, whereby the landowners have been held entitled for the enhanced amount of compensation to Rs. 44,62,500/- per acre. For reference, the relevant para-7 of judgment dated 02.03.2022 (*supra*) reads as under:-

“ 7. DECISION

Accordingly, these appeals are allowed while assessing the market value of the acquired land as on 15.12.2006 at rate of Rs.44,62,500/-per acre. ”

[10.1] Based upon the above, applying the principle of parity, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded vide judgment dated 02.03.2022 in case of **M/s Satkarta’s case (supra)**, besides all other statutory benefits and interest thereupon as provided under the Act, except interest for the period the appellants did not approach this Court after passing of Reference Court’s Award.

[11] Disposed off in the above terms.

Pending application(s), if any, shall stand(s) disposed off.

August 01, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No