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

RFA No. 1670 of 2019 (O&M)

Date of Decision: 22.11.2023

Raghubir Singh (since deceased)
through his LRs and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepak Girotra, Advocate
for the appellants – landowners.

Ms. Vibha Tewari, Assistant Advocate General, Haryana

HARKESH MANUJA, J.

CM-4043-CI-2019

Prayer in the present application is for condonation of delay of
5198 days in filing the appeal.

Upon notice, reply has been filed and *inter alia* prayed for
dismissal of the 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
Sh. Randhir Singh.

Concededly, the other similarly situated landowners pertaining
to the same acquisition proceedings have already been held entitled for the
modified / enhanced amount of compensation to the tune of ₹ 2,01,373/-
per acre pertaining to the acquired land falling in same revenue estate(s),
i.e. **Village Anwal**, Tehsil & District Rohtak, in view of judgment dated

25.02.2016 passed in **RFA-1190-2004**, titled **“Sat Narain and others Versus State of Haryana and another”**.

Based thereupon, applying the principles 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 5198 days in filing the appeal is hereby condoned, subject to denial of interest for the delayed period.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), to modify the award dated 09.12.2003 passed by learned Additional District Judge, Rohtak (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance of Haryana Govt. Notification dated 28/30.12.1996 issued under Section 4 of the Act, followed by Notification dated 04/05.02.1997 issued under Section 6 thereof, the land measuring 46.84 acres, including the land of appellants, situated in the revenue estate of **Village Anwal**, Hadbast No. 125, Tehsil & District Rohtak, for construction of Meham Drain from R.D. No. 0 to 139850 – out falling in Drain No. 8 at RD No. 177550, was acquired. The Land Acquisition Collector (for short “LAC”) vide Award No. 11, dated 08.05.1997, assessed the market value of the acquired land at the rate per acre ₹ 1,10,000/- for *Nehri / Chahi* land; ₹ 70,000/- for *Barani* land; ₹ 60,000/- for *Banjer Kadim* land; ₹ 50,000/- for *Gair Mumkin* land; and ₹ 40,000/- for *Bhur* land.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons, including the appellants, filed objections under Section 18 of the

Act, which were decided vide award dated 09.12.2003 by Reference Court, whereby the market value of the acquired land pertaining to **Village Anwal** was enhanced by ₹ 10,000/- per acre with regard to *Nehri / Chahi* land only and no increase was ordered *qua* other types of land, i.e. *Barani, Banjar, Gair Mumkin* and *Bhur*.

[4] Aggrieved thereof, a batch of appeals preferred by some other landowners, were disposed off by this Court on 25.02.2016, lead case of which was **RFA No. 1190 of 2004**, titled “**Sat Narain and others Versus State of Haryana and another**”, thereby enhancing compensation @ ₹ 2,01,373/- per acre of the acquired land, apart from other statutory benefits.

[5] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 25.02.2016 passed in case of **Sat Narain and others (supra)**, arising out of the same notification, vide which the land of appellants had been acquired.

[6] Learned State Counsel is not in a position to controvert the above factual position; however, opposes the payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court. He also submits that even the SLP No(s). 15702-15713 of 2016 arising out of order dated 25.02.2016 (*supra*), filed at the instance of some landowner(s), stood dismissed vide order dated 16.12.2016 passed by the Hon’ble Supreme Court.

[7] I have heard learned counsel for the parties and gone through the paper-book.

[8] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 25.02.2016 passed in case of **Sat Narain and others (supra)**, which is arising out of the same acquisition / Notification dated 28/30.12.1996 covering the same revenue estate of **Village Anwal, Tehsil & District Rohtak**, whereby the landowners have

been held entitled for the modified / enhanced amount of compensation. For reference, relevant para of judgment dated 25.02.2016 passed in case of

Sat Narain and others (supra) reads as under:-

“ The appeals filed by the land owners deserve to be partly accepted and the same are allowed to the extent indicated above. **The land owners are held entitled to receive the compensation for their acquired land at a uniform rate of Rs.2,01,373/- per acre from the date of notification under Section 4 of the Act.** Further, the land owners are held entitled to receive 30% of the above-said market value on account of severance charges. Besides this, the land owners shall also be entitled to all the statutory benefits available to them under the relevant provisions of the Act. ”

[8.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 25.02.2016 in case of **Sat Narain and others (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except payment of interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[9] **Disposed off** in the above terms.

[10] Pending application(s), if any, shall also stand(s) disposed off.

November 22, 2023

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**(HARKESH MANUJA)
JUDGE**

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