

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

**CM-127 & 128-CI-2020 in/and
RFA-77-2020 (O&M)
Decided on:-20.07.2023**

Shri Chand and ors.

....Appellants..

vs.

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-127&128-CI-2020

Prayer in the application bearing CM-127-CI-2020 is for condonation of delay of 5145 days in filing the appeal whereas in other application bearing CM-128-CI-2020, prayer is for condoning the delay of 556 days in refiling the appeal.

Upon notice, reply to the application for condonation of delay in filing the appeal stands filed.

At the outset, it is urged that the matter in issue is squarely covered by an order and judgment dated 25.2.2016, rendered by this Court in **RFA No. 1190 of 2004 (Sat Narain and others V. State of Haryana and another)**, and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the claimant-landowners.

The factual position as set out above, is not disputed by learned State counsel.

I have heard learned counsel for the parties and perused the record.

Based thereupon, applying the principle of parity, the land owners/applicants being similarly situated, are entitled for grant of similar amount of compensation, however, without any payment of interest for the period they 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 cases of **“Imrat Lal and others v. Land Acquisition Collector and others”**, 2015(2) RCR (Civil) 437, **“Dhiraj Singh (D) Tr. LRs. v. Haryana State and others”**, 2015 (2) RCR (Civil) 507 and **“Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another”**, 2020 (19) SCC 599.

In view of the discussion made herein above, the applications are allowed and delay of 5145 days in filing as well as delay of 556 days in refiling the appeal, is condoned.

Main case

Learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision rendered by this Court in the case of **Sat Narain and others (supra)**, wherein also the land situated in the same revenue estate i.e. Village Anwal, District Rohtak was acquired vide notifications dated 30.12.1996 and 04.02.1996 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 respectively, and for the same purpose.

The relevant part thereof 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.”

2. The present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay of 5145 days in filing as well as delay of 556 days in refiling the appeal.

20.07.2023

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(HARKESH MANUJA)
JUDGE

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