

**260(b) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM-6030-CI-2021 in/and
RFA-2649-2021
DECIDED ON:-17.07.2023**

Suresh Kumar

....Appellant..

vs.

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.K. Chauhan, Advocate,
for the appellant.

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

HARKESH MANUJA J.

CM-6030-CI-2021 in RFA-2649-2021

This is an application for condoning the delay of 1043 days in filing the appeal.

Upon notice, Mr. Abhinash Jain, DAG, Haryana accepts notice on behalf of the respondent-State and submits that he does not wish to file reply to the same.

As per the averments made in the application, the brief of the case was inadvertently mixed with the brief of admitted cases kept in the office of counsel for the appellant.

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, 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 1043 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 entitled for similar market value @ Rs.54,50,000/- per acre along with all statutory benefits and interest available under the amended Land Acquisition Act, 1894. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 1043 days.

17.07.2023

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(HARKESH MANUJA)
JUDGE

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