

RFA-253-2023(O&M)
and other connected case

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272+260 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(1) CM-914-CI-2023 in/and RFA-253-2023 (O&M)

Ram Kumar and othersAppellants..

VS.

State of Haryana and othersRespondents.

(2) CM-2948-CI-2021 in/and RFA-1391-2021 (O&M)

HSIIDCAppellant

VS.

Ram Kumar and othersRespondents

DECIDED ON:-17.07.2023

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Eklavya Gupta, Advocate,
for the appellants (in RFA-253-2023) and
for respondents No.1 to 3 (in RFA-1391-2021).

Mr. Pritam Singh Saini, Advocate,
for the appellant-HSIIDC (in RFA-1391-2021).

Mr. Abhinash Jain, DAG, Haryana,
for respondents No.1 to 3 (in RFA-253-2023) and
for respondents No.4 to 6 (in RFA-1391-2021).

HARKESH MANUJA J.

CM-914-CI-2023 in RFA-253-2023

This is an application for condoning the delay of 1453 days in
filing the appeal.

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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, due to ill health of applicant No.1 and pandemic situation, applicants could not file the appeal in time.

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, besides, awarding of fair and just compensation, 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 case of **Ningappa Thotappa Angadi (Dead) through LRs 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 1453 days in filing the appeal is hereby condoned.

CM-2948-CI-2021 in RFA-1391-2021

Prayer in this application is for condonation of delay of 592 days in refiling the appeal.

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Notice of the application.

Mr. Eklavya Gupta, Advocate accepts notice on behalf of respondents No.1 to 3, whereas, Mr. Abhinash Jain, DAG, Haryana accepts notice on behalf of respondents No.4 to 6-State and submit that they do not wish to file reply to the same.

In view of the above, having gone through the contents of the application, duly supported by an affidavit, sufficient cause has been made out for the purpose of condoning the delay of 592 days in refiling the appeal. Accordingly, delay of 592 days in refiling the appeal is condoned.

Main Appeals

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, Tehsil and District Panchkula was acquired vide notifications dated 15.12.2008 and 12.12.2011, 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.*”

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2. Accordingly, the appeal filed at the instance of appellants-landowners is disposed of in terms of the said decision and the appellants are 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, whereas, the appeal filed by HSIIDC stands dismissed. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 1453 days as well as the delay of 592 days in re-filing the appeal.

17.07.2023
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(HARKESH MANUJA)
JUDGE

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