

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

(257)

**RFA-2599-2021 (O&M)
Date of Decision: 06.07.2023**

Pyare Lal (since deceased) through LRs and others ...Appellants

Versus

State of Haryana and Ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Jain, Advocate, for the appellants

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)

CM-5862-CI-2021

1. This is an application for condoning the delay of 2182 days in filing the appeal.

2. Notice of the application was issued to the respondents who have chosen not to file any reply.

3. As per application, it was only deceased Pyare Lal i.e. father of the appellants who was pursuing with the enhancement proceedings and the appellants were only able to find out the outcome of the reference proceedings once the other land owners started receiving the amount of compensation in the year 2021 and immediately thereafter, they preferred the present appeal.

4. In view of the aforesaid facts having gone unrebutted, I do not see any reason to disbelieve the applicants in this regard. 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 village Shikohpur to the tune of Rs.16,89,35,120/-

per acre vide judgment dated 27.05.2016 though, it was reduced by 15% vide

judgment dated 05.09.2017 passed by the Hon'ble Supreme Court, in Civil Appeal No.11913-11945 of 2017.

7. 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 case of **Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599.**

5. In view of the discussion made hereinabove, the application is allowed and delay of 2182 days in filing the appeal is hereby condoned.

Main Appeal

1. In the present case, land owned by the appellants situated in the revenue estate of village Shikohpur, Tehsil and District Gurgaon, was acquired vide notification No.LAC (G) NTLA 2010/NTLA/1541 dated 11.02.2010, issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"), for the purpose of development and utilization of land for roads of Sector 81 to 95 at Gurgaon.

2. Aggrieved thereof, the appellants preferred reference under Section 18 of the Act, which came to be dismissed vide order dated 21.12.2013 by the Court of learned Additional District Judge, Bhiwani. Impugning the same, the appellants have preferred the present appeal.

3. Learned counsel for the parties are *ad idem* that the matters pertaining to the same acquisition/notification covering the same revenue estate i.e. village Shikohpur filed at the instance of few other land-owners came up before this Court which was disposed of vide judgment dated 27.05.2016 in **RFA No.5316 of 2014 titled Pushpender Kumar and others**

Vs. State of Haryana and another, whereby they have already been held entitled for the enhanced amount of compensation pertaining to village Shikohpur to the tune of Rs.16,89,35,120/- per acre vide judgment dated 27.05.2016 though, it was reduced by 15% vide judgment dated 05.09.2017 passed by the Hon’ble Supreme Court, in Civil Appeal No.11913-11945 of 2017 (arising out of SLP(C)nos.8094-8126 of 2017). Based thereupon, applying the principle of parity, the land owners/applicants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded by Hon’ble Supreme Court, besides all other statutory benefit and interest thereupon as provided under the Land Acquisition Act, 1894, except interest for the period the appellants did not approach this Court after passing of reference Court award.

4. In view of the aforesaid discussion, the controversy being squarely covered with the aforesaid judgment, therefore, the present appeal is disposed of in the same terms as based on the agreed stand taken by both sides.

(HARKESH MANUJA)
JUDGE

06.07.2023
anil

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