

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

(268)

RFA-919-2022 (O&M)
Date of Decision: 25.07.2023

Kashmir Singh

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Suresh Ahlawat, Advocate, for the appellant

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)**CM-2161-C-2022**

1. This is application for condoning the delay of 2261 days in filing the appeal.
2. Notice of the application was issued to the respondents. Reply thereof has been filed on behalf of respondent-State.
3. I have heard learned counsel for the parties and have gone through the contents of the application.
4. Concededly, the other similarly situated land owners pertaining to the same acquisition proceedings and to the villages i.e. Safidon, Rampura, Singhapura, Rampura, Ratt-Khera and Khera Khemawati, Tehsil Safidon, District Jind, filed appeals before this Court but were dismissed. Upon challenge, the Hon'ble Supreme Court vide its decision in the case of **Bijender and others Vs. State of Haryana and another 2018(11) SCC 180** passed in **Civil Appeal No.2846 of 2017**, enhanced the compensation regarding the land upto the depth of 2 acres from the main road to Rs.45,00,000/- per acre and the land situated beyond 2 acres was assessed @

Rs.35,00,000/- per acre. Besides, relying upon the law laid down by Hon'ble Supreme Court in case of **Ningappa Thotappa Angadi (Dead) through LR. Vs. Special Land Acquisition Officer and Another, 2020(19) SCC 599**, the applicant deserves the similar amount of compensation on the principle of parity as well as of fair and just compensation, however, they can not be held entitled to seek interest for the period for which they did not approach this Court.

5. In view of the principle of parity besides fair and just compensation as well as the contents of the application, prayer made therein is allowed and delay of 2261 days in filing the appeal is hereby condoned.

Main Appeal

1. In the present case, land owned by the appellants, situated in the Tehsil Safidon, District Jind, was sought to be acquired vide notification dated 23.08.2007, issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"), for the purpose of residential and commercial activity. Award under Section 11 of the Act was made on 19.08.2010.

2. Aggrieved thereof, the appellants preferred reference under Section 18 of the Act, which came to be dismissed vide order dated 17.12.2013 by the Court of learned Additional District Judge, Jind.

3. Impugning the same, the appellants have preferred the present appeal.

4. Learned counsel for the parties are *ad idem* that the matter pertaining to the same acquisition/notification covering the same revenue estate i.e. the villages mentioned above filed at the instance of few other land-owners came up before this Court and was dismissed. Upon further challenge, the Hon'ble Supreme Court vide its decision in the case of **Bijender (supra)**,

enhanced the compensation regarding the land upto the depth of 2 acres from the main road to Rs.45,00,000/- per acre and the land situated beyond 2 acres was assessed @ Rs.35,00,000/- per acre. The relevant portion of the same is reproduced hereunder:

62.....Taking into consideration all the relevant factors emerging from the evidence and the findings of the Courts below on the issues such as the location of the acquired land, its surroundings, nature, potentiality, rates of small plots, the purpose of acquisition, development cost needed, non availability of the sale deeds for large areas sold in acres, etc., we are of the considered opinion that just, fair and proper market value of the acquired land in question on the date of issuance of Section 4 notification is determined at Rs.45,00,000/- (Forty Five Lacs) per acre in place of Rs.33,00,000/-(Thirty Three Lacs) per acre for the lands described in detail in column 2 of the Award of the Collector dated 19.08.2010 (Annexure P-3) at page 32 of the SLP paper book of C.A.No. 2846/2017 and Rs.35,00,000/- (Thirty Five Lacs) per acre in place of Rs.24,75,000/- (Twenty Four Lacs Seventy Five Thousand) per acre for lands described in detail incolumn 1 of the said Award. In other words, the appellants are held entitled to receive compensation for the acquired land as described hereunder:

<i>Sr. No.</i>	<i>Class of Land</i>	<i>Awarded Amount</i>
<i>1.</i>	<i>Nehri, Chahi</i>	<i>Rs.35 Lacs</i>
<i>2.</i>	<i>To the depth of 2 acres from Safidon-Jind Road & Safidon Bye Pass Road and Gair-mumkin land</i>	<i>Rs.45 Lacs</i>

63) In addition to the aforesaid, the appellants are also held entitled to statutory compensation as provided in the Act and which the Courts below had already awarded to the appellants. We uphold the Award of such compensation. The two rates which we have determined above would apply to entire acquired land of all the appellants.”

Based upon the above, applying the principles of parity as well as grant of fair and just compensation the land owners/applicants being similarly situated are held entitled for similar amount of compensation as awarded by the Hon’ble Supreme Court, in case of **Bijender and others (supra)**, besides all other statutory benefit and interest thereupon as provided under the Land Acquisition Act, 1894 (amended up-to-date), except interest for the period the appellant did not approach this Court after passing of the reference Court award.

5. In view of the aforesaid discussion, the controversy being squarely covered with the **Bijender’s case (supra)**, therefore, the present appeal is disposed of in the same terms as based on the agreed stand taken by both sides.

(HARKESH MANUJA)
JUDGE

25.07.2023
anil

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