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

RFA No. 4284 of 2019 (O&M)

Date of Decision: 22.11.2023

Smt. Shakuntla Devi and others

...Appellants

Versus

Punjab State and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ram Kumar Chauhan, Advocate
for the appellants – landowners.

Mr. Navneet Singh Kaliraman, Sr. Deputy Advocate General, Punjab

HARKESH MANUJA, J.

CM-10895-CI-2019

Prayer in the present application is for condonation of delay of 1935 days in filing the appeal.

Upon notice, reply has been filed and *inter alia* prayed for dismissal of the application.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by an affidavit of Sh. Balram (appellant No. 4)

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the modified / enhanced amount of compensation to the tune of ₹ 18,040/- per marla pertaining to the acquired land falling in same revenue estate(s), in view of judgment dated 10.05.2016 passed in ***RFA-5727-2013***, titled ***“Kewal Singh Versus Punjab State and others”***, which stood attained finality upto the Hon'ble Supreme Court.

Based thereupon, applying the principles of parity, besides awarding just and fair compensation and relying upon the decision of Hon'ble Supreme Court in case of "***Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another***", 2020 (19) SCC 599 as well as in view of the contents of application, the same is **allowed** and delay of 1935 days in filing the appeal is hereby condoned, subject to denial of interest for the delayed period in filing the appeal.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short "the Act"), to modify the award dated 01.04.2013 passed by learned Additional District Judge, Hoshiarpur (hereinafter to be referred as "Reference Court") seeking enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance of Punjab Govt. Notification dated 23/31.12.2004 issued under Section 4 of the Act, followed by Notification dated 04.05.2005 issued under Section 6 thereof, the land belonging to revenue estates of as many as eight villages, including **Village Bassi Ballo**, Tehsil & District Hoshiapur, at public expenses for public purpose, namely, for construction of Kandi Canal State-II, was acquired. The Land Acquisition Collector, Hoshiapur (for short "LAC") vide Award No. 22, dated 22.07.2007, assessed the market value of the acquired land as under:-

Village Bassi Ballo	
Types of Land	Rate per acre (₹)
Chahi	3,60,000/-
Barani	2,15,000/-
G.M. Choe	1,10,000/-
G.M. Tattian	1,45,000/-
G.M. Tube-well	15,000/- per marla
Village Ajjowal	
Types of Land	Rate per acre (₹)
Chahi	4,35,000/-
Barani	2,90,000/-
Banjar Qadim	1,50,000/-
Kharkana	1,45,000/-
G.M. Rasta	1,50,000/-
G.M. Abadi	15,000/- per marla

[3] It may be mentioned here that there was some variance in the amount of compensation awarded by the LAC for different villages. Dissatisfied with the aforesaid Award, landowners / interested persons, including the appellants, filed objections under Section 18 of the Act, which were decided vide award dated 01.04.2013 by Reference Court, whereby the market value of the acquired land was enhanced at the uniform rate of ₹ 8000/- per marla.

[4] Aggrieved thereof, a batch of appeals preferred by some other landowners, were disposed off by this Court on 10.05.2016, lead case of which was **RFA No. 5727 of 2013**, titled “**Kewal Singh Versus Punjab State and others**”, thereby enhancing compensation for the acquired land at the uniform rate of ₹ 18,040/- per marla, apart from other statutory benefits.

[5] It is contended by learned counsel for the appellants that present appeal is squarely covered with the judgment dated 10.05.2016 passed in case of **Kewal Singh (supra)**, arising out of the same notification, vide which the land of appellants had been acquired.

[6] Learned State Counsel is not in a position to controvert the above factual position; however, opposes the payment of interest for the period, the appellants failed to approach this Court after the decision of Reference Court. He also submits that even the SLP No(s). 29323 of 2016 arising out of order dated 10.05.2016 (supra), filed at the instance of some landowner(s), stood dismissed vide order dated 14.11.2017 passed by the Hon'ble Supreme Court.

[7] I have heard learned counsel for the parties and gone through the paper-book.

[8] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 10.05.2016 passed in case of **Kewal Singh (supra)**, which is arising out of the same acquisition / Notification dated 31.12.2004 covering the same revenue estate(s), whereby the landowners have been held entitled for the modified / enhanced amount of compensation.

For reference, relevant para of judgment dated 10.05.2016 passed in case of **Kewal Singh (supra)** reads as under:-

“ The land owners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.18,040/- per marla, from the date of notification under Section 4 of the Act. The land owners are further held entitled to receive 30% of the abovesaid market value, as compensation on account of severance charges. Besides this, the land owners shall also be entitled for all the statutory benefits available to them, under the relevant provisions of the Act. ”

[8.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 10.05.2016 in case of **Kewal Singh (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except payment of interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[9] **Disposed off** in the above terms.

[10] Pending application(s), if any, shall also stand(s) disposed off.

November 22, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No