

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

(259)

RFA-963-2022 (O&M)
Date of Decision: 06.07.2023

Lajja Ram and others

...Appellants

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.M. K. Chauhan, Advocate, for the appellants

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)**CM-2266-CI-2022**

This is an application for impleadment of LR's of the appellant-Bachna Ram, who died on 03.01.2011.

Notice of the application.

Mr. Abhinash Jain, DAG, Haryana, accepts notice and raises no objection for impleadment of LR's of above person.

In view of the above and for the reasons stated in the application, same is allowed subject to all just exceptions. Applicants mentioned in Para No.2 of the application are ordered to be impleaded as LR's of aforesaid appellant(s) to pursue the appeal. Amended memo of parties is taken on record.

CM-2267-CI-2022

This is an application for impleadment of LR's of the appellant-Ram Sarup @ Ram Swaroop, who died on 16.04.2010.

Notice of the application.

Mr. Abhinash Jain, DAG, Haryana, accepts notice and raises no objection for impleadment of LR's of above persons.

In view of the above and for the reasons stated in the application, same is allowed subject to all just exceptions. Applicants mentioned in Para Nos.1 and 2 of the application are ordered to be impleaded as LR's of aforesaid appellant(s) to pursue the appeal. Amended memo of parties is taken on record.

CM-2268-CI-2022

This is an application for impleadment of LR's of the appellant-Pat Ram, who died on 19.11.2001.

Notice of the application.

Mr. Abhinash Jain, DAG, Haryana, accepts notice and raises no objection for impleadment of LR's of above person.

In view of the above and for the reasons stated in the application, same is allowed subject to all just exceptions. Applicants mentioned in Para No.6 of the application are ordered to be impleaded as LR's of aforesaid appellant(s) to pursue the appeal. Amended memo of parties is taken on record.

CM-2269-CI-2022

This is an application for impleadment of LR's of the appellant-Inder Ram, who died on 03.05.1995

Notice of the application.

Mr. Abhinash Jain, DAG, Haryana, accepts notice and raises no objection for impleadment of LR's of above persons.

In view of the above and for the reasons stated in the application, same is allowed subject to all just exceptions. Applicants mentioned in Para No.3 of the application are ordered to be impleaded as LR's of aforesaid

appellant(s) to pursue the appeal. Amended memo of parties is taken on record.

CM-2265-CI-2022

1. This is an application for condoning the delay of 3513 days in filing the appeal impugning the Award dated 02.08.2020 passed by the reference Court, Panchkula, whereby, notice of application was issued to the respondent-State, however, it has chosen not to file any reply.

2. I have heard learned counsel for the parties and have gone through the contents of the application wherein, it has been stated that the applicants are descendents of common ancestral late approve and on account of acquisition of their land, they filed 5 different references before the reference Court through one single counsel and post decision, they approached their counsel for the purpose of filing of 5 separate appeals in the 5 references. However, on account of certain *bona fide* miscommunication, only 4 appeals could be filed having failed to put challenge to the Award passed by the reference Court in case No.216-LAC-2000 i.e. the present appeal.

3. Nonetheless, that the other similarly situated land owners were held entitled for enhanced compensation by this Court vide decision dated 08.04.2016 passed in RFA 1956 of 2010 and the compensation was enhanced to the tune of Rs. 380/- per square yard, though, it was later modified by Hon'ble Supreme Court in **Civil Appeal No.17022 of 2017 decided on 09.10.2016** in case of **Umesh Gupta Vs. State of Haryana and others**, whereby, the market value was fixed Rs.290/- per square yard and thus the applicants being land owners forming part of the same acquisition proceedings are entitled for same compensation based on parity, however, applicants are not entitled to seek interest for the period, for which they did not approach this

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

The relevant paragraphs of the same is reproduced hereunder:

“9. The afore-cited view has been consistently followed by this Court in a series of cases before and after the decision in Dhiraj Singh’s (dead) case (supra). In Imrat Lal & Ors v. Land Acquisition Collector & Ors. 2, 1(2014) 14 SCC 127 2 2014 14 SCC 133 it was observed that the delay in filing the Special Leave Petition cannot be the reason to deny just and fair compensation to the claimants. This Court observed that a liberal approach should be adopted in such like matters. In Huchanagouda v. Assistant Commissioner and Land Acquisition Officer³ also this Court condoned the delay and restored parity in the matter of grant of compensation though with a condition “that for the period of delay in filing and in refiling the Special Leave Petitions, the appellant-claimant(s) shall not be entitled to any interest on the enhanced compensation and statutory amount.”

10. It is undeniable that this Court vide judgment dated November 11, 2016 passed in C.A. No. 2927/2010 (Ningappa Thotappa Angadi vs. Special Land Acquisition Officer and Anr.) has set aside the order of the High Court and restored the compensation as was awarded by the Reference Court. In the cited case, this Court held as follows:

“We have heard the learned counsel for the parties to some length and carefully perused the material on record. We are of the considered opinion that the impugned judgment and order of the High Court deserves to be set aside and judgment and order passed by the Reference Court restored. We say so because, this Court has in a similar appeal directed against the very same order set aside the impugned judgment and restored the enhancement granted by the Reference Court. We see no reason to take a different view in the present case. We, accordingly, allow this appeal and while setting aside the impugned judgment insofar as the same relates to the appellant, restore the judgment and order passed by the Reference Court. The parties shall, however, bear their own costs.”

11. The appellant(s) are also similarly placed claimants. They are, thus, 3 2019 SCC Online SC 990 entitled to seek parity and claim the same amount of fair and just compensation as has been awarded to

other land owners. The appellant(s) are, however, not entitled to seek interest for the period for which they did not approach this Court.”

4. In view of the discussion made hereinabove, application is allowed and delay of 3513 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 four villages namely Bana Madanpur, Jhuriwala, Naggal Moginand and Ramgarh were acquired vide notification dated 26.06.2019, 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 Sector 25 to 28 of Urban Estate, Panchkula.

2. Aggrieved thereof, the appellants preferred reference under Section 18 of the Act, which came to be dismissed vide order dated 02.08.2010 by the Court of learned Additional District Judge, Panchkula. 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/same notification covering the same revenue estate i.e. villages Bana Madanpur, Jhuriwala, Naggal Moginand and Ramgarh filed at the instance of few other land-owners came up before this Court which was disposed of vide judgment dated 08.04.2016 in **RFA No.1956 of 2010 titled State of Haryana vs. Hans Raj etc**, whereby, they have already been held entitled for the enhanced amount of compensation from Rs. 250/- per sq. yard to Rs. 380/- per sq. yard, though, it was later modified by Hon’ble Supreme Court in **Civil Appeal No.17022 of 2017 decided on 09.10.2016** in case of **Umesh Gupta Vs. State of Haryana and others**, whereby, the market value was fixed @ Rs.290/- per square yard.

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