

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

(325)

RFA-4306-2019 (O&M)

Date of Decision: 13.09.2023

Vaijyanti

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashok Kaushik, Advocate, for the appellant.

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)**CM-10948-CI-2019**

This is an application for exemption from filing the certified/typed copies of order/award in appeal.

Application is allowed as prayed for.

CM-10949-CI-2023

1. This is an application for condoning the delay of 2707 days in filing the present appeal.
2. Notice of the application was issued to the respondents who have filed the reply.
3. I have heard learned counsel for the parties and gone through the paper book.
4. Concededly, the other similarly situated land owners pertaining to the same acquisition proceedings have already been held entitled for similar amount of compensation pertaining to the revenue estate of village Ferozepur, Tehsil and District Palwal as determined by this Court vide judgment dated 10.12.2015 passed in RFA No.5231 of 2014 along with all statutory benefits

and it was modified only to the extent that the deduction towards development shall remain 15% instead of 40% in view of the judgment of Hon'ble Apex Court dated 02.11.2017 passed in **Civil Appeal No(s). 18381 of 2017 @ Special Leave Petition (Civil) No.20674 of 2016 titled as Adani Logistics Limited vs. Land Acquisition Collector and others.**

5. Based thereupon, applying the principle of parity, the land owner/applicant being similarly situated, is entitled for grant of similar amount of compensation, however, payment of interest shall not be granted for the period she failed to approach this Court after the decision of 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 LR Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599**”. Accordingly, in view of the averments made in the application besides the law laid down in the aforementioned judgment, the same is allowed and delay of 2707 days in filing the appeal is hereby condoned.

Main Appeal

1. In the present case, land owned by the appellant situated in the aforesaid village was sought to be acquired vide Notification dated 15.06.2006 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act”), for the purpose of development and establishment of Transport Nagar, Sector 21, Palwal. Notification under Section 6 of the Act was issued on 14.06.2007 followed by an award dated 09.06.2009 in exercise of powers conferred under Section 11 of 1894 Act.

2. Aggrieved thereof, the appellant preferred reference under Section 18 of the Act, which came to be decided vide common award dated 24.12.2011 by the Court of learned Additional District Judge, Palwal, vide which, the said Court granted compensation @ Rs.17,00,000/- per acre along

with other benefits.

3. Impugning the same, the appellant has preferred the present appeal.

4. Learned counsel for the appellant submits that the matter pertaining to the same acquisition/notification covering the same revenue estate i.e. village Ferozepur, Tehsil and District Palwal, filed at the instance of few other land-owners came up before this Court & was disposed of vide judgment dated 10.12.2015 passed in **RFA No.5231 of 2014** titled as **Bhagwan Dass Vs. State of Haryana and others**, whereby, the landowners were held entitled for the enhanced amount of compensation @ Rs.22,80,000/- per acre along with all other statutory benefits as available under the relevant provisions of the Act. Still dissatisfied, the judgment dated 10.12.2015 was assailed by way of **Civil Appeal No(s). 18381 of 2017 @ Special Leave Petition (Civil) No.20674 of 2016** titled as **Adani Logistics Limited vs. Land Acquisition Collector and others**, which came up for hearing before Hon'ble Supreme Court and the same was modified only to the extent that the deduction towards development was made to 15% instead of 40% with the following observation:-

“Hence, in our considered opinion, instead of 40%, 15% deduction would be appropriate; rest of the Award is not disturbed. The payment be made as early as possible within four months.”

On the other hand, learned counsel representing respondents has not been able to controvert the abovementioned factual position.

5. Based upon the above, applying the principle of parity, besides, just and fair compensation, 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 in the aforesaid case i.e. **Adani Logistics Limited’s case (supra)** except the interest for the period the appellant did not approach this Court after passing of award by the Reference Court.

6. The present appeal is disposed of in the above terms.

(HARKESH MANUJA)
JUDGE

13.09.2023
anil

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