

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

(268/2)

RFA-148-2022 (O&M)
Date of Decision: 25.07.2023

Jai Narayan and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parmod Chauhan, Advocate, for the appellants

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)**CM-282-CI-2022**

1. This is an application for condoning the delay of 2314 days in filing the appeal.
2. Notice of the application.
3. Mr. Shivendra Swaroop, DAG, Haryana, accepts notice on behalf of respondent-State and reply in this regard has been filed.
4. I have heard learned counsel for the parties and gone through the paper book.
5. Concededly, the other similarly situated land owners pertaining to the same acquisition proceedings have already been held entitled for enhanced amount of compensation pertaining to villages i.e. Jandwala, Ramsara and Gadli, Tehsil and District Fatehabad @ Rs.6,07,000/- per acre along with all statutory benefits, in view of the judgment dated 29.10.2015 passed in **RFA No.4584 of 2015 and other connected matters titled Seema Devi Vs. State of Haryana and others.**

6. Based thereupon, applying the principles of parity, the land owners/applicants being similarly situated, are entitled for grant of similar amount of compensation, however, without payment of interest for the period they 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 LRs 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 prayer is allowed and delay of 2314 days in filing the appeal is hereby condoned.

CM-281-CI-2022

This is an application for impleadment of LRs of the appellant No.2-Bihari son of Pat Ram.

Notice of the application.

Mr.Shivendra Swaroop, DAG, Haryana, accepts notice and raises no objection for impleadment of LRs of above person.

In view of the above and for the reasons stated in the application, same is allowed subject to all just exceptions. Applicant mentioned in Para No.2 of the application is ordered to be impleaded as LRs of appellant No.2 to pursue the appeal. Amended memo of parties is taken on record.

Main Appeal

1. In the present case, land owned by the appellants situated in Tehsil and District Fatehabad, was acquired vide Notification dated 29.12.2004 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") followed by subsequent notification dated 19.04.2005 issued under Section 6 thereof, for the purpose of construction of Hisar-Ghaghar multi purpose Channel followed by an award in

exercise of powers conferred under Sections 11 of 1894 Act.

2. Aggrieved thereof, the appellants preferred reference under Section 18 of the Act, which came to be allowed partly vide order dated 20.09.2013 as their land has been divided into two parts, so, they have been held entitled to damages for severance of their land due to acquisition at the rate of 25% of the value of the land alongwith interest as per Section 28 of the Act, however, as regards the market value, the same assessed by the Land Acquisition Collector was not interfered with by the Court of learned Additional District Judge, Fatehabad.

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

4. Learned counsel for the appellants submits that the matter pertaining to the same acquisition/notification covering the same villages at Tehsil and District Fatehabad, filed at the instance of few other land-owners came up before this Court and was disposed of vide judgment dated 29.10.2015 passed in **RFA No.4584 of 2015 and other connected matters** titled **Seema Devi Vs. State of Haryana and others.**, whereby the landowners were held entitled for the enhanced amount of compensation @ Rs.6,07,000/- per acre along with all statutory benefits and interest as available under the relevant provisions of the Act. The relevant para of the said judgment is reproduced as under:

“The aforesaid policy letters, in my opinion, can be considered as a piece of evidence showing the value of the land. The increase from Rs. 5,00,000/- to Rs. 8,00,000/- if calculated from 5.3.2005 till 22.3.2007, the effective dates of two policies, providing for minimum rates, the same comes to Rs. 12,500/- per month. Taking into account the aforesaid facts, as the award in the present case was announced by the

Collector on 28.11.2005, the landowner in the present case deserves to be granted compensation by adding Rs. 12,500/- per month on Rs. 5,00,000/- with effect from 5.3.2005 till the announcement of award by the Collector in the present case i.e. about 8½ months. If the aforesaid amount is added, the compensation comes to Rs. 6,06,250/-, which is rounded off to Rs.6,07,000/- per acre.

For the reasons mentioned above, the appeal is allowed. The award of learned Court below is modified only to the extent of value of the acquired land. The same is assessed @ Rs. 6,07,000/- per acre. Amount of damages awarded on account of severance is upheld. The landowner shall also be entitled to all the statutory benefits available to her under the Act. However, she shall not be entitled to interest for the period of delay in filing the appeal i.e. 558 days.”

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 award of 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 this Court in the aforesaid case of **Seema Devi’s (supra)** besides all other statutory benefits and interest thereupon as provided under the Act except the interest for the period the appellants 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

25.07.2023
anil

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