

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

**CM-5801-CI-2019 in/and
RFA-2382-2019
Decided on:-20.07.2023**

Ram Ditti (since deceased) through her Lrs and ors.Appellants..

vs.

State of Haryana and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepak Girotra, Advocate,
for the appellants.

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-5801-CI-2019

This is an application for condonation of delay of 5190 days in filing the accompanying appeal.

At the outset, it is urged that the matter in issue is squarely covered by an order and judgment dated 25.2.2016, rendered by this Court in **RFA No. 1190 of 2004 (Sat Narain and others V. State of Haryana and another)**, and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the claimant-landowners.

Notice of the application was issued on 12.02.2020 and in response thereof even reply has been filed.

The factual position as set out above, is not disputed by learned

State counsel.

I have heard learned counsel for the parties and perused the record.

Based thereupon, applying the principle of parity, the land owners/applicants being similarly situated, are entitled for grant of similar amount of compensation, however, without any payment of interest for the period they failed to approach this Court after the decision in the reference Court. In this regard reliance can be placed upon the decision of Hon'ble Supreme Court in cases of **“Imrat Lal and others v. Land Acquisition Collector and others”**, 2015(2) RCR (Civil) 437, **“Dhiraj Singh (D) Tr. LRs. v. Haryana State and others”**, 2015 (2) RCR (Civil) 507 and **“Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another”**, 2020 (19) SCC 599.

In view of the discussion made herein above, the application is allowed and delay of 5190 days in filing the appeal is condoned.

Main case

Learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision rendered by this Court in the case of **Sat Narain and others (supra)**, wherein also the land situated in the same revenue estate i.e. Village Anwal, District Rohtak was acquired vide notifications dated 30.12.1996 and 04.02.1996 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 respectively, and for the same purpose. The relevant part thereof reads as under:-

“The appeals filed by the land owners deserve to be partly accepted and the same are allowed to the extent indicated above. The land owners are held entitled to receive the compensation for their acquired land at a uniform rate of

Rs.2,01,373/- per acre from the date of notification under Section 4 of the Act. Further, the land owners are held entitled to receive 30% of the above-said market value on account of severance charges. Besides this, the land owners shall also be entitled to all the statutory benefits available to them under the relevant provisions of the Act.”

2. The present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 5190 days.

20.07.2023

sonika

(HARKESH MANUJA)
JUDGE

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